

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

RUTH V. BRIGGS, .
Plaintiff, .
vs. . 601 Market Street
Philadelphia, Pennsylvania 19106
July 18, 2018
.
TEMPLE UNIVERSITY, .
.
Defendants. .
.

TRANSCRIPT OF TRIAL
DAY 3 - A.M. SESSION
BEFORE THE HONORABLE ROBERT F. KELLY
UNITED STATES DISTRICT JUDGE
AND A JURY

APPEARANCES:

For the Plaintiff: Laura Carlin Mattiacci, Esq.
Stephen G. Console, Esq.
Rahul Munshi, Esq.
CONSOLE MATTIACCI LAW, LLC
1525 Locust Street
Philadelphia, Pennsylvania 19102

For the Defendant: Richard R. Harris, Esq.
Rachel Fendell Satinsky, Esq.
LITTLER MENDELSON, PC
1601 Cherry Street, Suite 1400
Philadelphia, Pennsylvania 19102

Audio Operator: Electronically Recorded
by Court Personnel

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6th Floor
Philadelphia, Pennsylvania 19103
(855)204-8184

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1 (Proceedings commence at 9:14 a.m.)

2 (Jury not present)

3 THE COURT: Okay.

4 MR. HARRIS: Good morning, Your Honor.

5 THE COURT: Good morning.

6 MS. SATINSKY: Good morning.

7 MS. MATTIACCI: Good morning.

8 THE COURT: You wanted to take up something?

9 MR. HARRIS: Yes, Your Honor. At the conclusion of
10 yesterday, before we broke for the day, I raised the issue
11 regarding the medical examination that was conducted by the
12 neuropsychologist, in which Ms. Briggs was actually
13 evaluated.

14 Judge, for the purposes of my argument, may I have
15 Ms. Briggs sequestered, in the event that the Court decides
16 that I am able to re-present her. I think that, out of an
17 abundance of caution and out of fairness, I should be able to
18 have -- make my argument without having her in the courtroom.

19 MS. MATTIACCI: Your Honor, I've had to make all of
20 my arguments with Mr. Wacker sitting at defense counsel
21 table, so I don't know what they would possibly be saying --

22 THE COURT: All right. This is an argument to get
23 that -- the document, the record admitted. Is that what it
24 is?

25 MR. HARRIS: It is, Your Honor. And specifically,

1 there are cogent points in the document that I want to
2 reference, that I don't want to alert to Ms. Briggs, in the
3 event this Court decides that she's able to be called in my
4 case-in-chief.

5 THE COURT: Well, come to sidebar then.

6 (Sidebar)

7 THE COURT: All right. Let's go.

8 MR. HARRIS: Judge, under Rule 803(4), which is the
9 medical records exception, I'm submitting that this document,
10 in addition to the statements that Ms. Briggs made to the
11 neuropsychologist, should be introduced into the evidence
12 under -- should be introduced or admitted into evidence under
13 the medical records exception.

14 Specifically -- and I'll provide this to the Court
15 -- if you look on the second page of this document, Ms.
16 Briggs describes that she was distracted, having trouble
17 keeping up with work, interruptions. All -- and she also
18 says that she has a phobia and that she's fearful. But what
19 she does not say in her diagnosis -- and she specifically --
20 there's a litany of reasons why she has been unable to
21 perform the essential functions of her job. All of them
22 related to what she perceives, some sort of cognitive
23 problem; that's why she was referred by her treating
24 physician.

25 The reason why that's particular important is that

1 she's saying those same reasons were caused by Dr. Wu, in her
2 document, which was -- in this document, which was dated
3 August of 2011. This would have been preceding what she has
4 now described as events that have been affecting her
5 workplace environment with Dr. Wu. She does not mention Dr.
6 Wu at all in this report. She does not say that he caused
7 her stress, does not say that he's humiliating her, does not
8 say that he's treating her unfairly. I think that's
9 something that's particularly important, as she's getting a
10 diagnosis, and that's why that would be relevant and
11 admissible under the medical records exception.

12 MS. MATTIACCI: The plaintiff hasn't even ever seen
13 this document. This document was produced to them as a
14 result of a subpoena to the doctor's office. This is from
15 her psychiatrist -- to and from a psychiatrist to an
16 evaluator, so there's no witness that can testify to this
17 document. She's never even seen it. So I don't know who's
18 going to authenticate this document.

19 The contents of the document are hearsay, they're
20 out-of-court statements being brought in for the truth of the
21 matter asserted. There was never -- there was totally an
22 opportunity for defense counsel to subpoena and depose the
23 psychiatrist, the psychologist, the person that did the
24 evaluation; they never did.

25 Ms. Briggs -- he already had full opportunity to

1 question Ms. Briggs about the document and about the contents
2 of the document. She testified that she had the evaluation
3 done, but she was concerned about dementia because of her
4 father. And the results of her -- of the evaluation was that
5 her cognitive functions were intact. There -- her memory was
6 intact, and she didn't have any dementia.

7 THE COURT: That's -- you're not caring about the
8 results.

9 MR. HARRIS: Right.

10 THE COURT: You're just caring about what she said.

11 MR. HARRIS: What she said, correct.

12 MS. MATTIACCI: But she already testified to that,
13 he already asked her about it.

14 MR. HARRIS: No, I was precluded from doing so.

15 Judge --

16 THE COURT: Right. Did you ask that
17 (indiscernible)

18 MR. HARRIS: Yeah, I asked, and she said yes, she
19 was adopt -- she did adopt it; she said that, yes, she talked
20 to the medical health professional as of a result of that
21 because she thought that she had dementia. But remember, I
22 wasn't able to ask her about -- to adopt the specific
23 statements in the document.

24 MS. MATTIACCI: Yes, you were. You asked her if
25 she was -- why she went there. She said that she was --

1 because she was worried that she was forgetting things.

2 That's why she went, that's exactly what she testified to.

3 THE COURT: See, what I didn't want you to do is

4 sit there, which is what you were about to do --

5 MR. HARRIS: Correct.

6 THE COURT: -- and obviously read from something,

7 and give the impression for the jury that, in effect, that

8 this thing was admitted.

9 MS. MATTIACCI: And she didn't --

10 MR. HARRIS: I wasn't trying to do that. I was

11 only trying to read the statements that she said.

12 THE COURT: Well, that's what you did.

13 MS. MATTIACCI: Right, exactly.

14 THE COURT: And that's what I stopped you from

15 doing.

16 MR. HARRIS: And I understood that, and that's why

17 --

18 THE COURT: And that's when I --

19 MR. HARRIS: I understand.

20 THE COURT: Then I allowed you to ask her

21 questions. I just didn't want it to appear to be coming from

22 a document.

23 MR. HARRIS: And I understood that.

24 THE COURT: And didn't you do that?

25 MS. MATTIACCI: Yes.

1 MR. HARRIS: No, no. What I did not was -- I
2 wanted her to actually say what she said, specifically. And
3 I couldn't do that. I wanted to actually show her what she
4 said, have her adopt what she said. If she said those things
5 were true, fine.

6 UNIDENTIFIED: (indiscernible)

7 MS. SATINSKY: No.

8 MS. MATTIACCI: Yes.

9 MR. HARRIS: I did not.

10 MS. MATTIACCI: You had an opportunity to ask her
11 those questions. There's no reason that this document needs
12 to be admitted into evidence.

13 (Court and court personnel confer)

14 THE COURT: Okay.

15 MR. HARRIS: So, Judge -- so, ultimately, that's
16 what I would like for her to do, is to look at the document,
17 have her say, did you say --

18 THE COURT: See, that's what I don't want. I don't
19 want you using the document. Okay?

20 MR. HARRIS: Okay. So --

21 THE COURT: I mean, how many times do I have to say
22 that?

23 MR. HARRIS: No, I guess we'll -- the reason why I
24 was asking -- I was really addressing counsel's point of
25 she's saying that she could -- she hasn't adopted those

1 statements. And I'm just -- I'm saying to this Court, as I
2 understand the rule -- and I could be mistaken. As I
3 understand the rule, what she's permitted to do is to say,
4 did you say A, B, and C to the neuropsychologist. If she
5 says yes, or she can say no, but that's what I would like for
6 her to do.

7 MR. MUNSHI: You did that already.

8 MS. MATTIACCI: You already had the opportunity to
9 do that. But what the Judge allowed you to do yesterday, if
10 you wanted to, and you could have done it then -- and I
11 believe you did.

12 (Pause in proceedings)

13 THE COURT: Who's next?

14 MS. MATTIACCI: We're going to continue with Ms.
15 Walton from HR, and the Sandy Foehl from EOC, and then we're
16 going to close our case. We'll be done before lunch.

17 (Participants confer)

18 (Sidebar concluded)

19 THE COURT: Do you want to play it back?

20 THE COURT OFFICER: I'm sorry, Judge.

21 THE COURT: Can you play it back, the recording?

22 THE COURT OFFICER: Play this right now?

23 THE COURT: Yeah.

24 THE COURT OFFICER: I can try. It will take a
25 minute.

1 THE COURT: All right.

2 THE COURT OFFICER: Do you want me to find the
3 whole sidebar from the beginning?

4 THE COURT: No, not this sidebar, but the
5 testimony.

6 (Court and court personnel confer)

7 THE COURT OFFICER: I can play back what was played
8 yesterday, in terms of Mr. Harris' testimony with Ms. Briggs.

9 THE COURT: Yeah, and there was a question about
10 ...

11 (Court and court personnel confer)

12 (Participants confer)

13 MS. SATINSKY: I was just going to say, if you can
14 just give us a minute, I can just pull the transcript.

15 THE COURT: Even better.

16 (Participants confer)

17 THE COURT OFFICER: Do you want to go off the
18 record for a minute, Judge?

19 THE COURT: Yes.

20 (Off record. Back on the record)

21 MS. MATTIACCI: Ms. Briggs --

22 MS. SATINSKY: Can you tell us what page you're at?

23 MS. MATTIACCI: 70.

24 MR. MUNSHI: PM testimony.

25 MS. MATTIACCI: Of the PM testimony yesterday. Mr.

1 Harris asked, Line 14:

2 "Ms. Briggs, do you remember telling Dr. Esposito
3 that you were often distracted at work?

4 "Answer: Yes.

5 "Question: That you would miss assignments at
6 work?

7 "Answer: Yes.

8 "Question: That you'd have to stay after work late
9 because of your being easily distracted and compensating for
10 the time period that you couldn't complete your tasks during
11 the work day?

12 "Answer: Yes.

13 "Question: Did you struggle with organization and
14 planning?

15 "Answer: I don't recall that, but...

16 "Question: That you felt overwhelmed at work?

17 "Answer: I did feel overwhelmed at work.

18 "Question: Because of the amount of work that you
19 receive?

20 "Answer: And because of the -- the -- the pressure
21 that they were -- I was pressured. No mistakes, you know,
22 get it on time, so I did, I did put extra time in to make
23 sure to overcompensate for that.

24 "Question: Okay. And you would forget things?

25 "Answer: I'm sorry?

1 "Question: And that you would forget things?

2 "Answer: I can't hear you.

3 "Question: Yes. That you would forget things at
4 work that you were required to --

5 "Answer: I don't recall saying --

6 "Question: remember?

7 "-- that. No, I don't. If I might say that I was
8 -- "

9 And then you said:

10 "There's no question pending.

11 "The Witness: All right."

12 And then he starts talking about the evaluation in
13 2011.

14 "Was this three years before you were actually from
15 your organization?

16 "Answer: That is correct. I think.

17 "And again, that was at the direction of your
18 treating healthcare professional?

19 "No, it was at my request."

20 So ...

21 MR. HARRIS: Keep going.

22 MS. SATINSKY: There's more.

23 MR. HARRIS: There's more.

24 MS. MATTIACCI: Oh, keep going.

25 "Because you wanted help?

1 "I wanted to see if I had Alzheimer's like my
2 father.

3 "But you did not have that?

4 "I did not have that.

5 "Ms. Briggs, are you currently employed?"

6 And then it goes to her current employment. So he
7 had full opportunity to ask those questions, and he did ask
8 those questions --

9 THE COURT: I think --

10 MS. MATTIACCI: -- yesterday.

11 THE COURT: It sounded like they were asked.

12 MR. HARRIS: Well, there was one area that I did
13 not get into, Your Honor, which is the notion of her having a
14 phobia. So, if you look on Page 2 of this document, and then
15 -- I'll come to sidebar.

16 THE COURT: Come on up. You want to ask her
17 something?

18 MR. HARRIS: Yeah. I want to -- I want you to see
19 the language, Your Honor, and I'll come to sidebar
20 (indiscernible)

21 THE COURT: What part?

22 (Sidebar)

23 MR. HARRIS: So, Page 2, on the paragraph -- third
24 paragraph.

25 THE COURT: All right.

1 MR. HARRIS: When he describes her emotional
2 health.

3 "She's generally happy and likes to joke; however,
4 she tends to cry easily."

5 That portion, Judge.

6 (Pause in proceedings)

7 THE COURT: And you wanted to ask that paragraph,
8 is that --

9 MR. HARRIS: I would like to, yes.

10 MS. MATTIACCI: Your Honor, this isn't -- doesn't
11 have anything to do with her work. She said she's afraid to
12 open her mail and listen to her voicemails, for fear of
13 getting bad news. She has attributed that to her husband
14 leaving. She's worried about paying the bills. That has
15 nothing to do with -- it doesn't say anything about work.

16 THE COURT: No, but it says about her and --

17 MR. HARRIS: Right.

18 THE COURT: But how would you ask -- how will you
19 ask that question?

20 MR. HARRIS: That's a wonderful question. But I
21 think the way that I would frame it is that her demeanor --
22 my guess is I would ask her questions about her demeanor
23 because she cried a lot yesterday. And so, if her crying
24 dealt with some other reason, other than Dr. Wu, I think
25 that's how I'm going to present it. Now, artfully, how I'm

1 going to ask that? I haven't figured that part out, but I
2 think that's what I'm going to ask.

3 THE COURT: And this, basically, is the doctor
4 reciting what she said --

5 MR. HARRIS: Right.

6 THE COURT: -- isn't it?

7 MR. HARRIS: Uh-huh.

8 MS. MATTIACCI: Well, he puts "phobias" in quotes.
9 What does he even mean? Is he diagnosing her with a phobia,
10 or is he saying "phobia" in quotes because it's not really a
11 phobia. It's just a little fear that she has because of
12 having to meet her bill paying, and she's nervous about
13 opening her mail. I mean --

14 THE COURT: And I worry about the context of what's
15 said, which is --

16 MS. MATTIACCI: That's why I'm saying, we can't --

17 THE COURT: -- (indiscernible) it was said.

18 MR. HARRIS: Correct. That's what it said.

19 THE COURT: (indiscernible) from counsel --

20 MR. HARRIS: Correct.

21 THE COURT: -- what's -- he doesn't really care
22 whether it's true or not.

23 MR. HARRIS: Correct.

24 THE COURT: It's just --

25 MR. HARRIS: What she told the doctor.

1 MS. MATTIACCI: Well, I think, if he wants to
2 recall her in his case-in-chief to ask her these questions,
3 but she's already been on the stand, cross-examined --

4 THE COURT: Okay. You want to ask her, did you
5 tell the doctor this, this, and this.

6 MR. HARRIS: Yes.

7 THE COURT: Okay. But if you -- try to act as if
8 you're reading from a script or something. Okay?

9 MR. HARRIS: Okay. I can do that. So I'll write
10 it out, and then I won't use the document at all, just --

11 MS. MATTIACCI: And what you're going to ask her
12 is, did she tell the doctor she was afraid to open her mail
13 at home? Is that --

14 MR. HARRIS: I may.

15 THE COURT: Whatever is there.

16 MR. HARRIS: Right.

17 THE COURT: Whatever he recites that she said --

18 MR. HARRIS: Okay.

19 THE COURT: -- you can ask her here --

20 MR. HARRIS: Yes.

21 THE COURT: -- as a question and -- but again,
22 you're going to be stuck with the answer.

23 MR. HARRIS: I'm going to be stuck with the answer,
24 correct.

25 THE COURT: All right.

1 MR. HARRIS: And I've asked that -- yes, so I'll --
2 yes, I'll limit it just to that.

3 MS. MATTIACCI: Well, then I would -- I mean, if
4 he's going to refer to a psychiatric report in which he
5 relays this stuff, then we should be able to give the
6 conclusion that, in fact, she was not found to have any
7 cognitive deficiency, no mental deficiency, and read his
8 summary that he found her intact and completely emotionally
9 functioning and well.

10 MR. HARRIS: Okay.

11 THE COURT: (indiscernible) do that if you want to
12 do that.

13 MS. MATTIACCI: Okay.

14 THE COURT: All right.

15 MS. MATTIACCI: Well, I mean, it's just --

16 THE COURT: But I think you're reaching too far
17 with it, but you know --

18 MS. MATTIACCI: I'm worried about the impression,
19 that's why I don't think that should be admissible. Well,
20 first of all, the document itself, obviously, should not be
21 admissible. But even these questions are impermissible,
22 based upon this, because there's no --

23 MR. HARRIS: (indiscernible)

24 MS. MATTIACCI: -- if he wants to -- if he wants to
25 ask it as, did you have these phobias, did you worry about

1 opening the mail, fine, but not in the context of telling a
2 psychiatrist because then we -- that opens a whole other can
3 of worms.

4 MR. HARRIS: That's the whole point of the
5 exception, Judge.

6 MS. MATTIACCI: (indiscernible)

7 MR. HARRIS: Statements made for the purposes of
8 treatment and medical diagnosis. That's the whole point of
9 the exception because it has a ring of trustworthiness and
10 reliability.

11 MS. MATTIACCI: It's not a medical -- it's not --
12 it's --

13 THE COURT: Yeah, but you're asking this witness
14 these questions.

15 MR. HARRIS: Yes.

16 THE COURT: And I'm not admitting them unless she
17 admits -- I mean, it doesn't become substantive evidence,
18 unless the witness admits that --

19 MR. HARRIS: That she said it.

20 THE COURT: -- she said this. And so --

21 MR. HARRIS: I understand.

22 THE COURT: -- that's why I'm --

23 MS. MATTIACCI: But I think the idea that she told
24 a psychiatrist --

25 THE COURT: (indiscernible)

1 MS. MATTIACCI: -- for the purpose of --

2 THE COURT: -- ever made the statement, without
3 saying --

4 MS. MATTIACCI: Yes.

5 THE COURT: -- who it was made to.

6 MS. MATTIACCI: Right, or do you have that.

7 MR. HARRIS: Well, she already testified yesterday
8 that she spoke to Dr. Esposito, so that she's clear in who
9 we're talking about, the neuropsychologist.

10 THE COURT: All right.

11 MS. MATTIACCI: But that was for a brief
12 (indiscernible)

13 THE COURT: I'll allow you to recall her for that
14 limited purpose.

15 MR. HARRIS: Very well. Thank you.

16 THE COURT: And you do what you think you have to.

17 MS. MATTIACCI: Okay. Thank you.

18 (Sidebar concluded)

19 THE COURT: And I'll go off the bench. I'm not
20 sure whether the jury is here yet or not.

21 THE COURT OFFICER: Yeah, I'll check, Judge. All
22 rise.

23 (Recess taken at 9:32 a.m.)

24 (Proceedings resume at 9:44 a.m.)

25 (Jury present)

1 THE COURT: You may be seated. And you may
2 proceed.

3 MR. HARRIS: Thank you, Your Honor.

4 DEIRDRE WALTON, WITNESS FOR THE PLAINTIFF, PREVIOUSLY SWORN,
5 RESUMES STAND.

6 CONTINUED DIRECT EXAMINATION

7 BY MS. MATTIACCI:

8 Q Good morning, Ms. Walton.

9 A Good morning.

10 Q Between the time you left the stand yesterday and today,
11 right now, have you spoken to anyone about the case?

12 A No.

13 Q Okay. Are you aware of who made the decision to
14 terminate Ms. Briggs?

15 A Yes.

16 Q Okay. Who made the decision to terminate Ms. Briggs?

17 A Greg Wacker and Dr. Wu.

18 Q Okay. Now, Greg Wacker, that's the same person that you
19 gave the assignment to investigate any complaints that Ms.
20 Briggs had in her workplace, correct?

21 A I talked with Greg Wacker and I asked him to look into
22 Ms. Briggs' complaints. Yes.

23 Q Okay. So the same person that looked into the
24 complaints was the person who made the decision to terminate
25 her?

1 A He was part of the decision. He talked with me. I
2 counseled with him. But he ultimately, along with Dr. Wu,
3 made that decision.

4 Q Okay. Did you approve the decision?

5 A Yes, I did.

6 Q So you'd agree with me that Mr. Wacker was not a neutral
7 investigator because he was also the person that decided to
8 terminate her, correct?

9 A No, I wouldn't agree. I would say that he was a neutral
10 investigator. Yes.

11 Q You're aware that Ms. Briggs received a disciplinary
12 action in January of 2014, correct?

13 A Yes.

14 Q And that was for being late in the morning, correct?

15 A That was for being late and to reporting it properly,
16 not calling out properly.

17 Q Okay. If you could turn to P-30 in your document?

18 Okay. Do you recognize this as the January 20th, 2014
19 writeup for being late?

20 A Yes, I do.

21 Q And she received a written warning?

22 A Yes.

23 Q A violation of Work Rules 8, 10 -- I'm sorry, B(10) down
24 there?

25 A Yes.

1 Q And it says:

2 "Inefficiency, failing to meet expected standards
3 of performance or productivity or efficiency."

4 Correct?

5 A Yes, it does.

6 Q Now, you never knew Ms. Briggs for being late before
7 this January 20th writeup, correct?

8 A I never knew her to be disciplined, but I was aware that
9 she was late. She had been late to work many times. Excuse
10 me.

11 Q Okay.

12 MS. MATTIACCI: May I approach the witness, Your
13 Honor, with her deposition?

14 THE COURT: Yes.

15 BY MS. MATTIACCI:

16 Q Oh, good. You already have one.

17 If you can turn to -- I'm sorry -- P-70, please -- Page
18 70? You have it there?

19 A Page 70. Yes.

20 Q Okay. Okay.

21 Do you see Page 70, Line 11 at the top? Sorry.

22 Did you give any sort of recommendation with regard to
23 this discipline, P-18, which is what we're looking at right
24 now? That was the Deposition Exhibit P-18, but the January
25 20th writeup that we were just looking at, correct?

1 A Yes.

2 Q And it says:

3 "I'm sure any contacts made.

4 "And the discipline that is given here is a written
5 warning. Do you see that?

6 "Yes."

7 And the question asked of you was:

8 "And prior to January 20th, 2014, did Ruth Briggs
9 have any ongoing issues with being tardy or not showing up to
10 work?"

11 And your answer then was:

12 "I don't know."

13 Do you see that?

14 A Yes, I do.

15 Q Okay. So as of January 20th, 2014, you didn't know of
16 any issues of Ruth Briggs having issues of being tardy,
17 correct? Or not showing up to work?

18 A In my deposition, I'm not exactly sure why I answered
19 that way. But I am aware that there were -- well, there were
20 complaints in regards to her attending the meetings between
21 her and Dr. Wu and Drew DiMeo where she didn't -- where she
22 called out from those meetings or she didn't report timely to
23 those meetings.

24 Q Okay. But your deposition was just taken on June 30th,
25 2017, correct? It says on the front there.

1 A Yes.

2 Q And that deposition was under oath, correct?

3 A Yes, it was.

4 Q Okay. Now, going back to this written warning --

5 MS. MATTIACCI: And if you could put it up on the
6 screen there, that would be great.

7 BY MS. MATTIACCI:

8 Q Okay. B(10). I'd like you to take a look at the work
9 rules. And that's going to be P-65.

10 Are you familiar with this -- I'll give you a second to
11 get there. P-65.

12 MS. SATINSKY: Counsel, this hasn't yet been
13 admitted.

14 MS. MATTIACCI: Okay. I'll lay the foundation.

15 BY MS. MATTIACCI:

16 Q I'm sorry about that.

17 A It's okay.

18 Q You okay?

19 A I have the work rules.

20 Q Okay. So you recognize these as Temple University's
21 work rules --

22 A Yes, I do.

23 Q -- that were in effect in 2014?

24 A Yes.

25 Q Okay.

1 MS. MATTIACCI: I move for the admission of P-65.

2 THE COURT: Any objection?

3 MR. HARRIS: No objection.

4 MS. SATINSKY: No.

5 THE COURT: It's admitted.

6 (P-65 received in evidence)

7 MS. MATTIACCI: May I have permission to publish,

8 Your Honor?

9 THE COURT: All right.

10 MS. MATTIACCI: Okay.

11 BY MS. MATTIACCI:

12 Q So we're taking a look at the work rules. And these are
13 the rules that govern how discipline should be issued at
14 Temple University, correct?

15 A Yes.

16 Q Okay. If you go to the second page, there is a
17 disclaimer here. That's the legal language. The third is
18 the table of contents. Fourth is table of contents. And
19 then it says, "Work Rules."

20 And at the bottom here, where it says, "Disciplinary
21 Procedure," can you see that?

22 A Yes.

23 Q It says:

24 "Any employee who violates a rule of conduct is
25 subject to the appropriate corrective disciplinary

1 action which is based on the category of Work Rule
2 Violation A, B, C or D, and the number of frequency
3 or previous violations within the preceding twelve-
4 month period. Repeated violations of work rules
5 within a specific category over a twelve-month
6 period will lead to the next step in a progressive
7 disciplinary process."

8 Do you see that?

9 A I do.

10 Q Okay. So when you're looking at violations, it's within
11 a twelve-month period, correct?

12 A Yes.

13 Q Okay. And then here is how Temple lays out how many
14 violations in each category you need before termination
15 occurs. And am I correct in reading this that if you get a
16 Category A violation, you need six violations of Category A
17 to make termination?

18 A Yes.

19 Q And for Category B, you need three violations?

20 A Yes.

21 Q Category C, two violations?

22 A Yes.

23 Q And Category D, only one?

24 A Yes.

25 Q And, now, if we look at the specific violations and how

1 they're defined, Category A, of which you need six to get to
2 termination, A(1) is excessive sick days, taking six or more
3 sick days with or without pay from work in any fiscal year.

4 You see that?

5 A Yes, I do.

6 Q And it says, Bullet Point 1:

7 "No disciplinary action usually will be taken for
8 the use of fewer than six days -- six sick days for
9 any illness in any fiscal year."

10 You see that?

11 A Yes.

12 Q And then A(2) is excessive lateness:

13 "Failing to report to work as scheduled six or more
14 times in any fiscal year. Each subsequent lateness
15 is a separate violation."

16 So in order to get an A writeup, 1-A writeup, you have
17 to have six or more latenesses in a year, correct?

18 A Yes.

19 Q But in the violation that we just looked at that Ms.

20 Briggs was given on January 20th, she was given a Category B
21 violation, correct?

22 A Yes, she was.

23 Q And for B, you only need three violations in order to
24 get terminated, correct?

25 A That's true.

1 Q So why wasn't she given an A violation?

2 A It didn't fall into excessive lateness because of the
3 incident of that day which Ms. Briggs did not call in for --
4 for most of the day. So she didn't report to work I believe
5 until late in the afternoon. She made no attempt to call in
6 or notify anyone that she was not going to be in. So it was
7 a B category because it's looked at as being inefficient.
8 She was aware of the rules and -- and she was aware of the
9 call-out procedures. And she didn't -- she didn't follow
10 them.

11 Q Okay. Well, in fact, I mean, she -- this is her first
12 time that she's being late. Looking at your previous
13 deposition, you're not aware of any other time she's being
14 late. It's only the 20th day of the year. So she was not
15 even late six or more times to qualify for an A violation as
16 of this time, correct?

17 A In regards to the excessive lateness, this happens to
18 be for people who report to work late if they --
19 unfortunately, with Ms. Briggs, she didn't report at all.
20 She didn't call. She didn't notify anyone. She didn't tell
21 anyone. She made no attempt to notify her supervisor that
22 she was not going to be in.

23 Q Okay. So, instead -- instead of doing a Category A,
24 Temple chose a Category B, B(10), which is inefficiency,
25 failing to meet expected standards of performance,

1 productivity or efficiency?

2 A Yes.

3 Q And you have the discretion to choose whichever number
4 you want to put down in that written document, correct?

5 A I have the discretion based on the facts of -- of the
6 situation. Yes.

7 Q Okay. Let's look at the facts of the situation.

8 Please turn to P-31.

9 Okay. P-31, you see that?

10 A Yes.

11 Q Okay. That's an email from Ruth Briggs to you on
12 February 6, 2014, correct?

13 A Yes.

14 MS. MATTIACCI: I move for the admission of P-31,
15 Your Honor.

16 MS. SATINSKY: No objection.

17 THE COURT: It's admitted.

18 (P-31 received in evidence)

19 MS. MATTIACCI: May I publish, Your Honor?

20 THE COURT: You may.

21 BY MS. MATTIACCI:

22 Q Okay. So this is an email to you from Ms. Briggs in
23 regards to the writeup that we just saw. So she contacted
24 you and she was upset about the severity of the discipline
25 that she was given, correct?

1 A Yes.

2 Q So then you did an investigation into this complaint,
3 correct?

4 A What I did is I talked with Greg Wacker concerning the
5 situation. Yes.

6 Q And you were informed -- did you speak to Ms. Briggs as
7 well?

8 A Yes, I did.

9 Q And Ms. Briggs told you that she did call in on that
10 day, correct?

11 A She called in, but she didn't follow the proper call-in
12 procedures. For -- for instance, she called into a student.
13 Students aren't authorized to take call-outs from employees.

14 Q Where is the policy that says that, Ms. Walton?

15 A There isn't a specific policy. But students are --
16 aren't managers and she's supposed to call in -- out to her
17 manager.

18 Q And where is the written policy that says that, Ms.
19 Walton?

20 A I'm -- I can't specifically state. I know in our -- our
21 manual we state that you should call out properly. And I
22 believe CST has a practice and they inform their employees
23 that they should call out to their supervisor. We don't have
24 any employees that call out to students. Students are not --
25 they do not work all day. They're not in the office all day.

1 And they're not authorized to take call-outs from employees.

2 They're not managers.

3 Q Ms. Walton, there is no written policy that sets forth
4 the procedure that somebody is supposed to follow in case
5 there is a call-out, correct?

6 A Each individual department sets their call-out
7 procedures.

8 Q That was not my question, Ms. Walton.

9 There is no written policy of how someone is supposed to
10 call in if they're going to be late, correct?

11 A I believe our guidebook provides some type of process of
12 calling out. It's very general --

13 Q Okay.

14 A -- because each department sets their own standards for
15 how employees should call out. Each --

16 Q In writing?

17 A Some, yes. Some put it in writing. They email their
18 employees. They have meetings with their employees. They --
19 the employees know if they should call -- if their call-out -
20 - if they can call out by email, if they can call out by
21 phone --

22 Q Ms. --

23 A -- what time they need to call out by.

24 Q I want to focus on Ms. Briggs' department.

25 A Okay.

1 Q Where is the written policy that says what was proper
2 and not proper for her to do if she had to call out?

3 A I don't know of their written policy. I just know of
4 their practice.

5 Q Okay. And -- but this practice is not -- you don't have
6 any document -- you don't -- I'm just -- your counsel is
7 going to get a chance to question you in a little bit. So if
8 there is a written policy, then I'm sure that he will bring
9 that forth. But we have not seen that.

10 So --

11 MS. SATINSKY: Objection, Your Honor.

12 Argumentative.

13 THE COURT: Overruled.

14 BY MS. MATTIACCI:

15 Q Now, isn't it true that Ms. Briggs said that when she
16 called in, she asked for Dr. Wu, and Dr. Wu was in a meeting?

17 A Yes.

18 Q And so she told the student worker who answered the
19 phone, let Dr. Wu know that I'm on my way, correct?

20 A That's my understanding.

21 As I said to Ruth, she could have contacted anyone else
22 in authority besides Dr. Wu. She didn't know when she was --
23 when that student was going to see Dr. Wu, if that student
24 was going to be there for most of the day. Students have
25 classes. She could have called out to Greg Wacker or to Drew

1 DiMeo.

2 Q You don't dispute that she contacted the student,
3 correct?

4 A No. I don't dispute that. That's the reason why she
5 was given inefficiency because she should not have talked to
6 the student.

7 Q A student worker is supposed to be picking up the phone
8 at the office, correct?

9 A Yes.

10 Q Okay. And, now, did you respond to Ms. Briggs'
11 complaints that she relays to you in P-31 that we just looked
12 at?

13 A I believe I emailed her back. From my memory, I believe
14 I emailed her back.

15 Q Let's take a look at P-36.

16 Do you recognize this as an email between you and Drew
17 DiMeo dated March 14, 2014?

18 A Yes.

19 MS. MATTIACCI: Your Honor, I move for the
20 admission of P-36.

21 MS. SATINSKY: No objection.

22 THE COURT: It's admitted.

23 (P-36 received in evidence)

24 MS. MATTIACCI: Permission to publish?

25 THE COURT: If it's admitted, you may publish it.

1 MS. MATTIACCI: Okay. Do I need to ask, Your
2 Honor? I don't want to keep asking.

3 THE COURT: Please. That's right.

4 MS. MATTIACCI: Okay.

5 BY MS. MATTIACCI:

6 Q Okay. Let's take a look at this email. We'll go from
7 the bottom.

8 So this is now three weeks later. You, on March 13th,
9 2014, and just to orient ourselves, this is about two and a
10 half, two weeks before Ms. Briggs is terminated, correct?

11 A I believe so.

12 Q And you say to Drew DiMeo -- and Drew DiMeo was working
13 under Greg Wacker in the Dean's office, correct?

14 A Yes.

15 Q And you say to him:

16 "This is short notice, but I will be on the main
17 campus tomorrow morning. Do you have some time
18 after 10 o'clock to meet with me and Ruth Briggs" -
19 -

20 Or it says:

21 "-- and Ruth Briggs for a short" -- "very short
22 meeting to clarify for Ruth the reason she was
23 given for a disciplinary report?"

24 You see that?

25 A Yes.

1 Q And that was in regards to the one that she got for
2 coming in late, correct?

3 A I believe so.

4 Q Were you intending to meet with Drew and Ms. Briggs
5 together? Or is that a typo?

6 A I believe it was to meet all three of us together.

7 Q Did you, in fact, meet with all three of you together?

8 A I don't recall.

9 Q And then Mr. DiMeo responds back. There's a back-and-
10 forth about the time period, and then you say, "I will stop
11 back at 10:30." And this is on 3/14.

12 A Yes.

13 Q Okay. Does this refresh your recollection that you just
14 met with Mr. DiMeo alone in regards to this situation?

15 A I'm not sure. I -- if I said -- if I told Andrew -- I
16 mean Drew that I was going to meet with him, then I did meet
17 with him. I don't recall if I met with Drew alone or with
18 Ms. Briggs.

19 Q Did you receive confirmation in that meeting that Ms.
20 Briggs did in fact speak with a student worker when she
21 called in when she was late?

22 A In regards to that meeting, I'm not sure. But I knew
23 talking to Ms. Briggs, as well as to Greg Wacker and Drew
24 that she had called in to a student.

25 Q Okay. Did you do anything to adjust the level of

1 discipline given to Ms. Briggs after meeting with Mr. DiMeo?

2 A No, I did not.

3 Q Let's take a look at P-38.

4 Okay. Do you recognize this as a series of emails

5 starting on March 23rd between yourself and Ms. Briggs?

6 There's one at March 23rd, and then the next one is March

7 24th, and then the next one is March 25th.

8 A Okay.

9 MS. MATTIACCI: Move for the admission of P-38.

10 MS. SATINSKY: No objection, Your Honor.

11 THE COURT: It's admitted.

12 (P-38 received in evidence)

13 BY MS. MATTIACCI:

14 Q Okay. Let's take a look at the first email in the
15 series. This is from Ms. Briggs to you on Sunday, March
16 23rd, 2014. So this is about a week before Ms. Briggs is
17 terminated. "Urgent. Please contact me on Monday."

18 And she says:

19 "Dear Deirdre, my work situation with Drew DiMeo
20 and Dr. Wu is escalating. And I need your help.
21 The issue is not just something that affects my
22 work week, but is causing anxiety and depression
23 throughout my weekends. To mask this from my grown
24 children and grandchildren I report that I have the
25 flu so they stay away. I am actually afraid to go

1 to work, especially Mondays, Wednesdays and Fridays
2 when I meet with Drew and Dr. Wu. Before I go to
3 sleep and as soon as I wake, the anxiety I
4 experience is palpable and impacting the quality of
5 my personal life. As the only staff member
6 required to meet with Dr. Wu and Drew, I would
7 think that my superiors would behave as
8 professionals by respecting my privacy. In fact,
9 the meetings occur within earshot of my coworkers
10 and visitors, students, external constituents,
11 faculty. The fact that I am singled out and
12 verbally assaulted in an open public area has been
13 the gristmill for gossip and rumors" --

14 I'm sorry. Let me just get to the next section.

15 " -- which have been reported back to me from
16 employees in other departments. Dr. Wu said that
17 Drew is there for protection as a witness, but I
18 have no protection and feel like an abuse victim.
19 Greg Wacker has never been present for one meeting,
20 but still recommends termination for me for which
21 was reported to me by Drew when he gave me the
22 discipline form for lateness. The first time I
23 reached out to HR, I learned that I was disciplined
24 for using tardiness for intentionally avoiding
25 these meetings. The next time we spoke, you told

1 me that it" -- "that it was because I failed to
2 report that I would be late. The truth is that I
3 overslept. I called the office and reported this
4 to Taylor Lentz who told Dr. Wu, but chose to
5 follow through with the discipline when he knew
6 that I had called. Apparently, they are immune to
7 discipline for what I find intolerable, filing a
8 false discipline report against me. Apparently,
9 the word of these three bullies carries more weight
10 than the truth. I talked to Taylor Lentz, the
11 student worker who you were going to call to
12 confirm that I had called the morning I overslept
13 last week to ask if you had her after spring break.
14 When she inquired why you needed to talk to her, I
15 told her that you wanted to confirm that I called
16 to report the morning I overslept. She said that
17 she did not know where Judy Lennon had gone. She
18 disappears on a daily basis and gives no
19 explanation. So she personally went to Dr. Wu's
20 office and told him that I called, overslept, and
21 was on my way in. This means that he endorsed the
22 disciplinary actions against me even after he had
23 been given my message. I hope you can understand
24 why it feels like there is a concerted effort to
25 get rid of me. There was another incident on

1 Friday when Drew made an accusation that I had
2 provided evidence for my defense that was
3 manufactured afterward rather than admit the truth.
4 Knowing that Drew had lied about the day I
5 overslept and suffered no consequences for lying
6 did not contribute to my confidence in defending my
7 integrity when I was in the presence of two
8 bullies. I offered to log into the travel
9 reimbursement system Concur because Drew suggested
10 that I had manufactured the screen shot I produced
11 from the night before. I only wanted to defend
12 myself against another lie. When I saw the cost
13 centers that were missing the day before on the
14 screen, I was in a state of disbelief because I
15 knew that Drew chose to cast doubt on my character
16 rather than admitting that he had not added Dr.
17 Wu's new grant number as Dr. Wu had requested last
18 week. I did not leave the office until after nine
19 o'clock using the tutorials in Concur so that I
20 could allocate travel expenses to the grant for Dr.
21 Wu. My access level was limited and I could only
22 request access to the new grant focals. So my
23 screen shot listed the new grant numbers as access
24 pending. If the numbers were pending at nine
25 o'clock the night before and were available the

1 following morning, they were added after the screen
2 shot taken. I do not want to spend any more
3 personal time about job-related matters on my
4 personal time, but I want to discuss changes made
5 to my job description and responsibilities that
6 have been given to Hailey King, Jackie Herd's"
7 (phonetic) "replacement. My essential functions
8 have been diminished to elementary clerical
9 functions. I'm performing entry-level data entry
10 tasks while one student worker and Hailey King are
11 performing the functions of my job description.
12 The essential functions that were performed by our
13 former business manager Alex Grinchman" (phonetic)
14 "was" -- "were taken over by Drew, are assigned to
15 me with more frequency" -- "more and more
16 frequency. Performing accounting functions are not
17 my area of expertise and not an essential function
18 of my job. I am a team player, but I object to
19 performing the department secretary's job or being
20 summoned from the tenth floor to the third floor to
21 make coffee and bring cookies to Dr. Wu and his
22 guests, when Judy and a student worker are
23 available in the front office. It appears to be
24 another strategy to diminish me, discount my
25 experience and talents in an effort to get my

1 resignation or termination."

2 And then she provides her cell phone and land line.

3 You received that email, correct?

4 A Yes, I did.

5 Q And then because she's making complaints there about Dr.
6 Wu and Dr. Wacker, you relayed those complaints to Dr. Wu and
7 Dr. Wacker, correct?

8 A No. I didn't talk to Dr. Wu. But because of the
9 allegations that she was making, I did talk with both Drew
10 and Greg Wacker about some of the things that she said in
11 this email.

12 Q Okay. So you brought those -- that -- all that
13 information to Mr. Wacker with the intention that Mr. Wacker
14 then talk to Dr. Wu?

15 A I took it to him to find out if some of these things --
16 you know, to get -- excuse me.

17 She made some accusations against Drew DiMeo about him
18 falsifying some records. So I wanted to find out what was
19 going on in regards to the focal and in regards to Concur and
20 the things that she was stating. So I asked Drew to look
21 into those things and to give me some background so that I
22 could get back to her.

23 Q Were you angry with the email that she sent?

24 A Was I angry? No.

25 Q Were you upset about that email?

1 A No.

2 Q You responded to her, correct?

3 A Yes, I did.

4 Q Okay. So if you look at the next email up?

5 Now, at this point, when you send this email, had you
6 talking -- had you spoken to Mr. Wacker or Mr. DiMeo?

7 A (Witness reviews exhibit)

8 I may have spoken to them. Yes.

9 Q Okay. So you had spoken to them and you had determined
10 at this point that Ms. Briggs is not telling the truth?

11 A What I'm -- I've determined is that there's very little
12 truth to some of the things that she's saying, that she's
13 bolstering some of the things that she's accusing Drew of and
14 -- and Greg Wacker, that they're falsifying documents.

15 Q Well, they were accusing her of lying when she said that
16 she couldn't access the particular grant number, correct?

17 A My understanding is that Drew didn't believe that she
18 couldn't access it. Yes.

19 Q Right. And so when she was saying, I could access it,
20 Drew was saying that Ms. Briggs was lying.

21 A I believe that's what he was saying.

22 Q And then to determine who was telling the truth, you
23 went and spoke with Mr. DiMeo, correct?

24 A I spoke with Mr. DiMeo.

25 But I also -- just to add my own background because I

1 don't handle expense reports -- I had talked with our
2 accounts payable department prior to talking with Drew to see
3 what her access was.

4 Q Did you receive any evidence that confirmed that Ms.
5 Briggs had access to the grant number?

6 A My understanding was that she did have access.

7 Q My question was, do you have any evidence that Ms.
8 Briggs had access to the grant number?

9 A I have what was a conversation that I had with accounts
10 payable.

11 MS. MATTIACCI: I'm going to object to hearsay,
12 Your Honor.

13 THE COURT: No. In her business (indiscernible)
14 she doesn't -- she's not required to follow the rules of
15 evidence. She can consider hearsay.

16 MS. MATTIACCI: No. But I'm -- I'm asking her --
17 she's about to say what somebody else, an out-of-court
18 statement that's being offered for the truth of the matter.
19 That is hearsay. And so I'm saying, other than hearsay, and
20 that's why I want you to strike any hearsay.

21 My question was, do you have any evidence that she
22 had access to it.

23 THE COURT: When you say "evidence," do you mean
24 evidence --

25 MS. MATTIACCI: Documents.

1 THE COURT: -- that would be admissible in court?

2 MS. MATTIACCI: Yes, Your Honor.

3 MS. SATINSKY: Your Honor --

4 THE COURT: Do you think this witness knows the
5 rules?

6 MS. MATTIACCI: Well, no. That's why -- she is
7 about to speak of something somebody said outside of court as
8 a third party that is not here to testify or be subject to
9 cross-examination, that would be hearsay.

10 THE COURT: We know what hearsay is, okay?

11 MS. MATTIACCI: No, I know. Well, that's why --
12 what she was about to say, I believe, was hearsay. So that's
13 why I objected.

14 THE COURT: Repeat your question to her.

15 MS. MATTIACCI: Okay.

16 My question was, do you have any evidence that Ms.
17 Briggs did not have access to the grant number?

18 THE COURT: To the -- to the grant number?

19 MS. MATTIACCI: To the grant number.

20 THE COURT: And you may answer that question.

21 THE WITNESS: I don't have information with me
22 today. So, again, I looked into it.

23 BY MS. MATTIACCI:

24 Q So at one point, you did have evidence of it?

25 A I received -- in talking to our accounts payable

1 department, I was told that she had access.

2 Q Okay. But other than that, do you get -- did you get an
3 email to that? Did you get a screen shot? Did you get some
4 sort of confirmation like a printout that says she had access
5 to it, anything like that?

6 A I -- I may have. I don't -- I don't recall. But I know
7 that I did look into it. I did talk with the department and
8 asked them to send me something or show me something that she
9 had access.

10 Q And you believe they did show you something?

11 A From my memory -- I don't remember if they showed me
12 anything. I do remember calling and asking, does she have
13 access. Because -- just so you understand, there was concern
14 that I thought maybe -- maybe she didn't. Maybe there's a
15 glitch. Maybe there was a problem with our system, our
16 computer system. So I just wanted to double check and make
17 sure that she had access before, you know, I got back to her
18 and let her know that, you know, this -- this -- that she was
19 incorrect.

20 Q Well, there's no dispute that she eventually got access
21 to the system. You understand that, correct?

22 A Absolutely. Yes.

23 Q Right. So were you confirming whether she had access on
24 the night in question --

25 A Yes.

1 Q -- or whether she currently had access?

2 A The night in question.

3 Q So they were able to provide you with some sort of
4 documented proof that she did have access to the system on
5 the night in question?

6 A Again, they -- I can't say they gave me a document or
7 anything. All I can say is I called a person who's
8 responsible for that, that can look into the system and they
9 looked and said, she has access.

10 Q This was an issue that led to the termination of her
11 employment, correct?

12 A It's one of the things that led to her --

13 Q One of the two things that are on the bullet point for
14 her termination letter, correct?

15 A Yes.

16 Q So wouldn't you want to get the documented proof from
17 that person that she in fact did have access that night?

18 A I guess I should have gotten the documented proof, but
19 talking to them on the phone, having them verify was -- was
20 sufficient for me.

21 Q Now, I'm looking still at P-38. This is Ruth Briggs'
22 response to you.

23 "Deirdre, I do not know how to respond to this
24 email. I am drowning here and have reached out to
25 you numerous times and waited and waited. This is

1 affecting the quality of my work life and my
2 personal life. All I want to do is continue to
3 work without being harassed. Based on the content
4 of your email, I assume you contacted Drew, Greg
5 and Dr. Wu, when I asked that you refrain from
6 doing so because I know the harassment will
7 escalate without the protection of Human Resources.
8 The story that you are telling me about the
9 discipline is the third story I have been told.
10 Drew said that I did not call in, and you believed
11 him. I have no idea what Greg said, other than
12 what Drew told me, and he wanted me fired. And you
13 told me that I had not called in or followed
14 procedure. We have no written procedures. And I
15 did call in and rushed to work rather than spend
16 another" -- "or spend another five minutes to start
17 my computer and send an email stating the same
18 thing I told Taylor. I was held to an unequal
19 standard and I am suffering the consequences
20 because I cannot bid out on another job. I was
21 told by you that I could bid on a job without
22 stating that I had been disciplined, and I will not
23 lie on the application. I will not retract the
24 comments I made because I believe them to be true.
25 Faculty and staff members tell me frequently that

1 they feel bad about the manner in which I am
2 treated and diminished in public. I have nothing
3 more to say."

4 Now, there was no writeup for -- you received that
5 email. Is that correct?

6 A Yes, I did.

7 Q And you understood that Ms. Briggs was upset, correct?

8 A Yes.

9 Q Now, was there a writeup done particularly for the
10 expense report issue?

11 A No. I don't think so.

12 Q Now, if you turn to P -- I'm sorry, same -- same
13 document there. If you scroll up, you -- this email from
14 Ruth Briggs that we just read went to you, and then you
15 forwarded it to Sandra Foehl, right?

16 A Yes.

17 Q On 3/25. And you say, "FYI, for FYI and for
18 discussion," correct?

19 A Yes, I did.

20 Q So you wanted to discuss this with Ms. Foehl?

21 A Yes.

22 Q In terms of whether there should be discipline taken
23 against Ms. Briggs for her email?

24 A No, not at all. I sent that to her because she made
25 some accusations. So I just wanted to check with Ms. Foehl

1 to see if she thought this should be looked into from their
2 perspective.

3 Q Well, Ms. Foehl is in charge of investigating complaints
4 of age discrimination, sex discrimination, retaliation and
5 hostile work environment, correct?

6 A Yes. She is.

7 Q So were you forwarding it to her to investigate whether
8 the -- whether the treatment that Ms. Briggs was receiving
9 was because of perhaps this conduct towards her was being
10 infested because of that bias?

11 A No. I wanted her to look into it to see if there was a
12 bias. I didn't send it because I thought there was a bias.
13 She made some accusations, so I sent it to her. Because I
14 knew that Ruth had been to her before, I sent it to Ms. Foehl
15 just to get her input.

16 Q Okay. And did you have a discussion with her at that
17 time?

18 A I don't remember. I'm not sure if Ms. Foehl emailed me
19 back or we had a discussion before Ms. Briggs was -- before
20 she had resigned.

21 Q Now, March 25th, 2014, that is the year mark from the
22 last Level C violation that Ms. Briggs had, correct?

23 A I'm sorry. What do you mean?

24 Q Remember the three-day suspension that she had for the -
25 - for the plane ticket in March?

1 A Yes.

2 Q It was issued to her on March 26th, 2013?

3 A Okay.

4 Q Do you recall that that was a Level C violation?

5 A Yes. That was.

6 Q And in order to have a termination, you have to have two
7 Level C violations within a year?

8 A Yes.

9 Q And in that whole year, Ms. Briggs did not have a single
10 Level C violation.

11 A In the year of 2014?

12 Q Yeah. Well, both. In the year of 2014 and in the
13 twelve-month period before March 25th, 2014.

14 A Okay.

15 Q Correct?

16 A Yes.

17 Q Okay. But, then, only less than a week after this, she
18 is terminated on April 1st, 2014, correct?

19 A Yes. No. I'm sorry. She resigned. She wasn't
20 terminated. She resigned.

21 Q Okay. So it was her choice to leave Temple?

22 A She made that choice.

23 Q If she didn't want to resign, she could have stayed?

24 A She was given a choice to -- she basically -- when we
25 met with her, we offered her the option to resign or she

1 would have been terminated.

2 Q Okay. So she didn't really have a choice in terms of --
3 her employment was involuntarily ending one way or the other.

4 A She could have chosen to take the termination if she did
5 not want to resign. But she chose to resign. She was given
6 the option. She chose that option.

7 Q You are aware as a HR professional and someone who is
8 familiar with the rules of discrimination or the laws against
9 discrimination that when someone is terminated because of age
10 or because of sex, that that's a violation of the law,
11 correct?

12 A Yes.

13 Q If the employer doesn't terminate the employee and,
14 instead, the employee just resigns, then it's possible that
15 the employer would not be held responsible for the
16 termination, correct?

17 MS. SATINSKY: Objection, Your Honor. That's a
18 legal conclusion.

19 THE COURT: Sustained.

20 BY MS. MATTIACCI:

21 Q Do you believe that it would be in Temple's best
22 interests if the employee chooses to resign rather than be
23 terminated?

24 A No. We offered her that option because we wanted -- we
25 were -- we wanted to be kind to her and allow her -- we

1 thought it would be in her best interests to resign.

2 Q And isn't it true when you resign, you do not get
3 unemployment compensation?

4 A The State -- the State of Pennsylvania will turn you
5 down for unemployment. But what we said is that we would not
6 contest her unemployment application, and we would at -- we
7 would report to the State that she was given -- that it was -
8 - you know, that she was given an option.

9 Q Well, if you turn to the termination letter, P-45, the
10 last sentence of the letter that she was given was:

11 "Effective the end of the day today, your
12 employment at Temple University is being
13 terminated."

14 A Correct?

15 Q Yes.

16 A So it was Temple that terminated her employment,
17 correct?

18 Q Temple offered Ms. Briggs a option to take the
19 termination or to resign. And she chose to resign.

20 Q But it was a forced resignation. Can you be --
21 THE COURT: Well, it was before it became
22 effective, right?

23 MS. MATTIACCI: The resignation was after the
24 termination letter, correct?

25 THE COURT: But before it became effective.

1 MS. MATTIACCI: No, Your Honor.

2 THE COURT: No?

3 MS. MATTIACCI: That's -- the termination was
4 effective April 1st, correct?

5 THE COURT: The end of the day?

6 MS. MATTIACCI: Yes.

7 THE COURT: And when did she --

8 BY MS. MATTIACCI:

9 Q And she didn't resign until April 3rd, correct?

10 A Yes. That's true. She was given the letter and offered
11 either -- you know, you can have -- you can -- she was given
12 the option to resign or that at the end of the day she would
13 be terminated.

14 Q It's for -- it would just be for her a technicality so
15 that she could tell people that she resigned while she looked
16 for another job, and not that she was terminated, correct?

17 MS. SATINSKY: Objection, Your Honor. That's for
18 the jury to decide if it's a technicality or not.

19 THE COURT: I'm sorry. Would you repeat that
20 objection?

21 MS. SATINSKY: Sure, Your Honor. I objected to
22 that question because I said it's an issue for the jury to
23 decide whether it's a technicality.

24 THE COURT: Overruled.

25 Repeat your question to the witness.

1 BY MS. MATTIACCI:

2 Q This difference between resignation and termination is
3 just a -- the result would be the same thing. Her employment
4 would be ending, correct?

5 A Her employment -- her employment, yes, would have ended.
6 But she was given the option to resign. She could have taken
7 the termination.

8 Q I know. But she couldn't have stayed there. That
9 wasn't an option, correct?

10 A Her staying there was not an option.

11 Q So her employment was terminated one way or the other.

12 A Yet she chose to resign. She was given the option to
13 resign. She -- she completed --

14 THE COURT: All right. We've gone over this
15 enough. Please go to something else.

16 MS. MATTIACCI: I will, Your Honor.

17 BY MS. MATTIACCI:

18 Q You were involved in the decision to terminate. And, in
19 fact, you exchanged drafts of the termination letter with Mr.
20 Wacker, correct?

21 A Yes, I did.

22 Q Okay. Take a look at P-42. This is an email between
23 you and Mr. Wacker, March 31st, 2014.

24 A Yes.

25 Q Do you see that?

1 MS. MATTIACCI: Your Honor, I move for the
2 admission of P-42.

3 MS. SATINSKY: No objection.

4 THE COURT: It's admitted.

5 (P-42 received in evidence)

6 BY MS. MATTIACCI:

7 Q You see here the email to you from Mr. Wacker, "Please
8 edit as necessary."

9 And that was the termination letter with the two bullet
10 points on it, correct?

11 A Yes.

12 Q I'm sorry. From Wacker to you on March 31st, 2014.

13 And then if you look at P-43, this is an email from you
14 to Greg Wacker. Do you recognize that?

15 A Yes.

16 MS. MATTIACCI: May I move for the admission of P-
17 43?

18 MS. SATINSKY: No objection.

19 THE COURT: It's admitted.

20 (P-43 received in evidence)

21 BY MS. MATTIACCI:

22 Q Also on March 31st:

23 "Hi, Greg. Please see the attached letter for
24 Ruth. I just made a few changes. I will come to
25 your office Tuesday before" -- "between 9:30 and 10

1 o'clock. Please let me know if this time is okay."

2 You see that?

3 A Yes.

4 Q And at the time that you're going back and forth with

5 Mr. Wacker and drafting the letter of termination for Ms.

6 Briggs, a full and complete and fair investigation into her

7 claims of sex discrimination and age discrimination,

8 retaliation and hostile work environment had not been

9 completed, correct?

10 A Again, the investigation -- he she complained to EOC,
11 they are responsible for taking those -- or looking into
12 those complaints.

13 Q That's Sandy Foehl, right?

14 A Yes.

15 Q You had forwarded P-38 to Sandy Foehl, correct?

16 A To Sandra Foehl? Yes.

17 Q Sandra Foehl. A week before that, on 3/25, right?

18 Where you said, "FYI and for discussion."

19 Correct?

20 A Yes.

21 Q Okay. So now you have given this to Sandy Foehl who

22 you're saying -- Foehl, who's supposed to do the

23 investigation. And as of the time you're drafting the

24 termination letter, a full and thorough investigation into

25 her complaints of discrimination had not been completed,

1 correct?

2 A Again, the email that I sent to her I didn't send
3 because I thought that she was being discriminated against.
4 I wanted Sandy to give me her opinion of what Ruth was saying
5 in that letter because I knew that Ruth had contacted her
6 before.

7 Q But that's what Sandy Foehl does, right? Her purview is
8 sex discrimination, age discrimination, retaliation. That's
9 what her job is, correct?

10 A Her job is to investigate. Yes.

11 Q Right. Her job is to investigate. And what I'm saying
12 is as of the time you were drafting the termination letter,
13 you don't know if the investigation was complete or not.

14 A No. I don't know if Ms. Foehl did an investigation.
15 But at the time of drafting the termination letter it was
16 based on the actions of Ms. Briggs that violated our policy.

17 Q What was done to ensure that the decision to terminate
18 was not infested with bias against her because she had made
19 complaints of discrimination?

20 A Well, for most of the time that she worked with Dr. Wu,
21 Greg Wacker had assigned Drew DiMeo to mediate conversations
22 with Dr. Wu and Ruth because of Ruth's complaints. So every
23 time Ruth made a complaint to me in regards to how she
24 thought she was being treated, I talked with Greg Wacker.
25 Greg Wacker and both Drew looked into those situations.

1 Q And Drew DiMeo, you -- would you agree with me,
2 approximately early thirties in terms of his age?

3 A I'm not sure. I would suspect. I'm not sure. I don't
4 know his age.

5 Q Okay. And he'd only been at Temple for a few years?

6 A At the time, I think he had been there three to four
7 years. Again, off the top of my head, I'm not sure. Had he
8 worked -- I'm not sure if Drew had worked at Temple prior to
9 working for Greg Wacker. So --

10 Q And Mr. --

11 A -- he was new to that office.

12 Q -- Mr. DiMeo was not in HR, correct?

13 A He was not -- he did not work in HR. No.

14 Q And he did not work in the Equal Employment Compliance
15 Department, correct?

16 A No, he did not.

17 Q He was just a person that worked in the Dean's office,
18 correct?

19 A He worked in the Dean's office reporting to Greg Wacker
20 where they both handled personnel issues.

21 Q And he was below Greg Wacker, correct?

22 A He was below Greg Wacker. Yes.

23 Q Did Mr. DiMeo complete a full and thorough investigation
24 into complaints of discrimination?

25 A Not that I know of. But he -- he was able to relay to

1 me the things that went on in the office. And then he was
2 sent down there to help Dr. Wu and to help Ms. Briggs.

3 Q My question was, did he do a full and thorough
4 investigation of the complaints of discrimination?

5 A That's not his job.

6 Q Okay. Do you know of anyone who did a full, complete
7 and thorough investigation into Ms. Briggs' complaints of
8 discrimination?

9 A Again, Ms. Briggs did not complain specifically to me of
10 being discriminated against. I know that she had talked to
11 Sandra Foehl. I don't know what took place in those
12 conversations.

13 Q Okay. So then let's go on to P-50. This is an email
14 exchange between you and Sandy Foehl on April 4th, 2014 which
15 is three days after Ms. Briggs is terminated, correct?

16 A Yes.

17 Q And at the bottom --

18 (Participants confer)

19 Q You say to her -- let me get the date. I'm sorry.

20 On April 4th, 2014, you write to Sandy Foehl --

21 MS. SATINSKY: Objection, Your Honor. This is not
22 from Sandy Foehl to Ms. Walton. This is from Sandy Foehl to
23 Ms. Walton, not from Ms. Walton to Sandy Foehl.

24 MS. MATTIACCI: I'm sorry. I misspoke that. I'm
25 sorry.

1 THE COURT: All right.

2 BY MS. MATTIACCI:

3 Q This is April 4, 2014 from Ms. Walton to Sandy Foehl.

4 So this is you speaking, correct?

5 MS. SATINSKY: Your Honor, that's just what I said

6 --

7 MS. MATTIACCI: I'm sorry. I'm sorry. I'm back

8 and -- I'm sorry.

9 THE COURT: What --

10 MS. SATINSKY: Your Honor, this email is from Ms.
11 Foehl to Ms. Walton.

12 MS. MATTIACCI: That's my fault. I'm going
13 backwards.

14 THE COURT: All right. Let's move along.

15 BY MS. MATTIACCI:

16 Q This email went to you, correct?

17 A Yes.

18 Q Okay. And it says:

19 "Deirdre, we didn't talk before Ruth Briggs met
20 with me Tuesday morning, April 1st. Later the same
21 day, she let me know she'd been terminated. When
22 we can meet, maybe next week, or have a
23 conversation, will you let me know whether Ruth
24 Briggs accepted the offer to resign? I have an
25 appointment with the Department Chair this

2 So let's back up for a second. April 1st, 2014, Ms.

3 Briggs meets with Ms. Foehl, correct?

4 A That's my understanding from the email. Yes.

5 Q And do you understand sitting here today that she
6 relayed complaints of discrimination to Ms. Foehl on the
7 morning of April 1st, 2014?

8 A Again, I don't know what their conversation was about.

9 I would make that assumption because she went to see her.

10 But I don't know what their conversation was.

11 Q So when -- after Ms. Briggs walked out of the meeting
12 with Ms. Foehl on April 1st, she left that meeting and was
13 called into a meeting with Mr. Wacker and was terminated,
14 correct?

15 A Yes.

16 Q Were you at that meeting?

17 A Yes, I was.

18 Q And is it your testimony that you had no discussion with
19 Ms. Foehl between the time that you said -- sent the P-38
20 email on March 25th in which you say, "FYI and for
21 discussion," and April 4th, three days after the termination,
22 in regards to Ms. Briggs?

23 A No. I didn't have a discussion that -- that I recall.
24 I don't recall having a discussion. I was not aware of Ms.
25 Briggs meeting with her.

1 Q Prior to Ms. Briggs' termination, you were aware that
2 Ms. Foehl had some conversations with Ms. Briggs, correct?

3 A Yes.

4 Q And so, prior to making a decision to terminate Ms.
5 Briggs' employment, you did not do anything to check with the
6 Equal Employment Opportunity Compliance Office to see if the
7 decision to terminate was free of discrimination or
8 retaliation, correct?

9 A I did not talk with Ms. Foehl in regards to any
10 investigation that she was doing. The decision that we made
11 I felt was free of any bias or discrimination based on the
12 fact that Ms. Briggs had violated the policy and that we were
13 sticking to our policy.

14 Q But you didn't do any investigation into that, correct?

15 A Into what?

16 Q The claims of sex discrimination and retaliation.

17 A No. That -- that's Sandra Foehl's area.

18 Q Okay. And you didn't check with her before you made a
19 decision to terminate, correct?

20 A I didn't check with her to see if she had decided to do
21 an investigation. Ms. Foehl, she gets the complaints and
22 then she --

23 Q Ms. Foehl --

24 A -- determines if it's -- if it's a viable complaint to
25 investigate.

1 Q Correct. I totally agree.

2 But I'm just asking real simple questions so we can get
3 through.

4 A Okay.

5 Q Okay?

6 You didn't check with Ms. Foehl in regards to her
7 investigation before you terminated Ms. Briggs, correct?

8 A No, I did not.

9 Q Okay. And in terms of the two Level C violations that
10 Ms. Briggs was terminated for, we already talked about the
11 expense report.

12 The other thing was that she booked a room at the Double
13 Tree in Center City for a professor instead of the Conwell --
14 instead of Conwell Inn for the professor, but it was on the
15 correct nights, correct?

16 A I don't recall right now sitting here the specific
17 facts. My understanding -- but that she made an error in
18 booking travel arrangements again.

19 Q That -- and you recall that was back on March 13th and
20 14th?

21 A I believe so.

22 Q So that was several weeks before her termination,
23 correct?

24 A Yes.

25 Q If you look at P-45, the termination letter, the second

1 bullet point says, "You were directed to" -- I'm sorry. I'll
2 give you a second there.

3 "You were directed to book a room reservation for a
4 colloquium speaker, Dr. Ness Shroff, for his
5 upcoming visit to Temple University on Thursday,
6 March 13th and 14th, 2014. You booked a
7 reservation at the Conwell Inn; however, it was
8 booked for the wrong dates. On the date of his
9 visit, at the last minute, you were able to secure
10 a room at the Double Tree in Center City."

11 Do you see that?

12 A Yes, I do.

13 Q Okay. Let's go to the work rules, P-65.

14 Actually, before we get to that, for these two issues,
15 she was given a C(4) negligence/carelessness, neglecting job
16 duties or responsibilities or failing to carry out
17 instructions given by supervisor, and C(3) disruptive or
18 disorderly conduct engaging in any unruly, erratic or
19 undisciplined behavior that disrupts or may disrupt the
20 workplace, engaging in any course of conduct that does not --
21 that does or may undermine or interfere with supervisions.

22 You see that?

23 A Yes, I do.

24 Q In regards to the booking at the Double Tree for the
25 professor, was that in relation to C(4) or C(3)?

1 A C(4).

2 Q Negligence and carelessness?

3 A Yes.

4 Q Okay. And so if you go back to the policy of Temple, P-
5 65? Do you see that? I can blow it up on the screen. Can
6 you see the screen?

7 A Sure.

8 Q Okay.

9 MS. MATTIACCI: I'm sorry. I didn't -- I wasn't
10 sure if she could see that screen on there.

11 BY MS. MATTIACCI:

12 Q P-65, there were -- you did not -- you had the option of
13 choosing a B-level violation for that.

14 THE COURT: It's still not blown up.

15 MS. MATTIACCI: Yeah. I'm sorry. I'm going to
16 blow it up right now.

17 (Pause in proceedings)

18 BY MS. MATTIACCI:

19 Q Unauthorized absence, chronic sick days, chronic
20 lateness, failure to record time in and time out, leaving
21 assigned area, early quit. That's B(6).

22 B(7) is slowdowns, performing work other than Temple
23 work, unauthorized extra work by non-employees.

24 B(10) inefficiency.

25 B(11) -- which we saw before, failing to meet expected

1 standards of performance, productivity or efficiency,
2 correct?

3 A Uh-huh.

4 Q If she was given a B(10), you wouldn't have had two C
5 violations within the twelve-month period, correct?

6 A No, that's -- that's incorrect, because she was -- the
7 memo detailed the C(4) and the C(3). So she would have
8 gotten -- excuse me. She would have gotten the discipline
9 for I think the C(3), if I'm not mistaken, for disruptive
10 behavior.

11 Q But she wasn't given that as of March 25th, 2014, right?
12 There was no discipline issued to her for that until April
13 1st, correct?

14 A All right. So just so my understanding, you're asking
15 about the C -- the March discipline and not the termination
16 letter?

17 Q There was no March discipline in 2014.

18 A Okay.

19 Q There was no -- the only discipline that happened in
20 2014 was for her sleeping -- oversleeping and coming in late.
21 And then she was terminated April 1st, 2014 for the -- and
22 the first time advised that there was these two violations.
23 Correct?

24 A She was -- excuse me.

25 She was terminated because she was initially disciplined

1 -- she was suspended for a C violation. And then this
2 occurred, the written letter. So she was disciplined -- she
3 was terminated for -- or she was given the option to resign,
4 but she would have been terminated for the C(4).

5 Q All right. Let's look at what C(4) says. C(4) is
6 negligence/carelessness.

7 "Neglecting job duties or responsibilities or
8 failing to carry out instructions given by
9 supervision, performing negligent or careless acts
10 during work time or on -- or on or with Temple
11 properties."

12 You see that?

13 A Yes.

14 Q So that basically applies to any mistake that any
15 employee makes at any time at Temple.

16 A Yes.

17 Q And if you -- so there -- under Temple's policy, you
18 make two mistakes in a year, you're terminated.

19 A Well, no. It -- it has to do with the level of the
20 mistake and the seriousness of the mistake. And, again, Ms.
21 Briggs was disciplined for the initial travel mistake that
22 she made, which was pretty serious, and then again she made
23 another mistake regarding travel arrangements.

24 Q Would you agree with me that one of the reasons that
25 professors are attracted to come to Temple is the fact that

1 it's so close to Center City, Philadelphia?

2 A I'm -- to be honest, I'm not sure what attracts faculty,
3 besides that, you know, we're a well-known institution and
4 they want to come here to teach.

5 Q And that Philadelphia is a good city?

6 A I would say so. Yes.

7 Q And do you often bring professors into Center City to
8 show them Center City as a point of attraction for them to
9 come to Temple?

10 A Honestly, I'm -- I don't get involved in faculty
11 visiting the University.

12 Q If you can turn to P-55, please?

13 Do you recognize this as an email exchange between you
14 and Dr. Wu dated August 11, 2014? I'm sorry. I don't think
15 you're on this one. Let me skip that

16 You're aware that there were -- there was another
17 complaint of sex discrimination made in the same department
18 by an Assistant Dean, correct?

19 A Not from memory, I don't. No.

20 MR. HARRIS: Your Honor, may we see you at sidebar?

21 THE COURT: Yes.

22 (Sidebar)

23 THE COURT: What is it?

24 MR. HARRIS: Your Honor, counsel mischaracterized,
25 I believe. What we have as evidence is an anonymous

1 complaint.

2 MS. SATINSKY: That's what she testified to in her
3 deposition, that it was an anonymous complaint, they don't
4 know who made it, and it was about multiple people in the
5 department. She never said it was from a complaint from the
6 Assistant Dean. That's not what her deposition says.

7 MS. MATTIACCI: Yes, it does. Yes, it does.

8 THE COURT: What is it --

9 MS. MATTIACCI: She had a -- she was -- she
10 received a complaint about Greg Wacker, a sex discrimination
11 complaint. She investigated it. It was about a Vice Dean --
12 or, rather, an Assistant -- female Assistant Dean --

13 MS. SATINSKY: It was not from -- Your Honor --

14 THE COURT: We're getting into this why?

15 MS. MATTIACCI: Because it had to do with another
16 complaint about sex discrimination against Mr. Wacker to show
17 that his bias, that he had a complaint made against him.

18 MS. SATINSKY: Your Honor, again, it was an
19 anonymous complaint. Counsel characterized it as a complaint
20 made by an Assistant Dean.

21 MS. MATTIACCI: It doesn't matter. They took it
22 very seriously and they did an investigation. So they know
23 how to do an investigation. She did an investigation in that
24 case. She doesn't do an investigation here.

25 THE COURT: Let's not go -- let's not go through

1 that again.

2 What else do you have for this witness?

3 MS. MATTIACCI: Well, she also came to the
4 conclusion there was no discrimination, or has never come to
5 the conclusion. She says she doesn't do investigations, but
6 she did an investigation into that complaint, right? Which
7 is -- that's what she said.

8 THE COURT: How much time do you have --

9 MS. MATTIACCI: I only have -- that was my last
10 section.

11 THE COURT: Come on. Let's pick it up.

12 (Sidebar concluded)

13 MS. MATTIACCI: May I proceed, Your Honor?

14 THE COURT: Yes, please.

15 MS. MATTIACCI: Okay.

16 BY MS. MATTIACCI:

17 Q If you can turn to your deposition, Page 22, please?

18 MS. SATINSKY: Your Honor, I'm not sure what
19 counsel is doing. The witness hasn't answered a question.

20 MS. MATTIACCI: She said --

21 THE COURT: I'm --

22 MS. SATINSKY: Your Honor, I apologize. The
23 witness hasn't answered a question, so I'm not sure what
24 counsel is doing referring the witness to her deposition
25 transcript.

1 MS. MATTIACCI: I believe her answer was, I don't
2 recall. So I was refreshing her recollection with her
3 deposition.

4 MS. SATINSKY: Your Honor --

5 THE COURT: Repeat your original question of the
6 witness.

7 MS. MATTIACCI: Yes.

8 BY MS. MATTIACCI:

9 Q Do you recall that there was a sex discrimination
10 complaint made in the same department in Mr. -- in the
11 Computer Information Sciences Department involving Mr.
12 Wacker?

13 A I don't recall.

14 Q Okay. So if you go to your deposition, Page 22 -- Page
15 21.

16 (Participants confer)

17 BY MS. MATTIACCI:

18 Q Start at Page 20, Line 14.

19 A (Witness reviews exhibit)

20 Okay.

21 Q Okay. So now do you recall that there was a complaint
22 of sex discrimination made by a Assistant Dean, who was a
23 female, about several people, including the Dean, the Vice
24 Dean and Greg Wacker?

25 A My understanding is, as I stated here, I thought it was

1 Assistant Dean. It was, my understanding, a complaint that
2 came in anonymously into the office. And in my deposition I
3 said I thought it was Assistant Dean.

4 Q And that it was a female?

5 A Yes.

6 Q Okay. And that you looked into this -- you looked into
7 this complaint, correct?

8 A I did, along with Sandra Foehl.

9 Q Okay. So you personally participated into looking into
10 this complaint, correct?

11 A Yes, I did.

12 Q And when you looked into this complaint, you met with
13 everyone that was mentioned in the letter, correct?

14 A Yes, I did.

15 Q And that included the Dean, the Vice Dean and Mr.
16 Wacker, correct?

17 A Yes.

18 Q And you also met with several women, because it said
19 that there were other women that were affected, correct?

20 A It made accusations that there were other people
21 affected. So we met with some women in the department. Yes.

22 Q And, also, it mentioned Mr. -- Dean Klein, correct?

23 A Yes, it did.

24 THE COURT: Let's take a ten-minute recess. The
25 jury may go out for 10 minutes.

1 THE COURT OFFICER: All rise.

2 (Recess taken at 10:53 a.m.)

3 (Proceedings resume at 11:05 a.m.)

4 (Jury Present)

5 (Witness resumes stand)

6 THE COURT: Continue, please.

7 MS. MATTIACCI: I have no further questions, Your
8 Honor.

9 THE COURT: Do you have any questions?

10 MS. SATINSKY: I do, Your Honor.

11 CROSS-EXAMINATION

12 BY MS. SATINSKY:

13 Q Good morning, Ms. Walton.

14 A Good morning.

15 Q Before we broke, you testified about the complaint that
16 was made in an investigation you assisted in, do you remember
17 that?

18 A Yes.

19 Q What was the outcome of that investigation?

20 A They did not find for any discrimination.

21 Q That complaint, was it against the entire leadership of
22 the college?

23 A Yes.

24 Q Given the issues you've testified about regarding Ms.
25 Briggs performance, why wasn't she disciplined sooner?

1 A Basically, the leadership in the school, they like Ms.
2 Briggs. She thought she was a nice lady. They didn't want
3 to start the discipline process. What they wanted to do was
4 to develop her and help her to improve. So, there wasn't any
5 action they wanted to take initially. They wanted to talk
6 with her about her deficiencies and her errors and they
7 wanted to give her an opportunity to improve.

8 Q Why wasn't she terminated sooner?

9 A For the same reason. They didn't take disciplinary
10 actions early on. What they wanted to do was develop her and
11 help her to improve. Also, they wanted to try to find other
12 employment for her at the University that would fit her skill
13 level better.

14 Q What is the gender makeup of the CIS Department?

15 A Specifically, my understanding of the CIS Department is
16 made up of women, mostly, and there are, you know, in faculty
17 there are a number of men, and the ages vary. So, it's a
18 diverse department.

19 Q I want to clarify a few points counsel made yesterday.

20 Could you please pull up the third exhibit for Ms.
21 Walton?

22 Ms. Briggs, we're going to start with page 38 and then
23 it will go into page 39. But can you read the entire --

24 MS. MATTIACCI: Objection, Your Honor. This is
25 hearsay testimony of -- previous testimony of the same

1 client. They can ask her questions, but they can't just read
2 in her deposition.

3 MS. SATINSKY: Your Honor, yesterday --

4 MS. MATTIACCI: It's not a party opponent.

5 THE COURT: Wait a minute. Your objection is, this
6 is hearsay?

7 MS. MATTIACCI: This is hearsay improper testimony.
8 They're just having the witness read in the deposition.

9 THE COURT: All right, okay. What?

10 MS. SATINSKY: Your Honor, this is the witness's
11 deposition testimony. She was shown this yesterday and only
12 told to read a portion of it. I'd like the witness to read
13 the whole thing so that the jury can understand the context.

14 THE COURT: You may do so.

15 MS. SATINSKY: Thank you.

16 MS. MATTIACCI: For completeness, Your Honor, they
17 didn't say for completeness. They just said --

18 THE COURT: I made a ruling -- don't keep arguing.

19 MS. MATTIACCI: Oh, I'm not arguing, Your Honor.
20 Just explaining why I was objecting. That makes sense now.

21 THE COURT: Just, please, stop. Let's hear it.

22 BY MS. SATINSKY:

23 Q Ms. Walton, can you start here and then we'll move to
24 page 39?

25 A Okay.

1 "Wouldn't it be easier for you --

2 Do you want me to read the question?

3 Q Sure.

4 A "Wouldn't it be easier for you just to talk to Dr.

5 Wu

6 yourself?"

7 Q And you replied to that?

8 A "I found it difficult. There were conversations I
9 had with Dr. Wu. I found it difficult from my perspective
10 to communicate with him. That is not the reason why I didn't
11 communicate with him, but, you know, he was very busy. I
12 wasn't in the area. There's space. And, again, as I
13 explained earlier when we handled personnel issues, I
14 usually worked with Greg and Drew. They were the people that
15 handled personnel issues. That doesn't mean I couldn't have
16 contacted Dr. Wu. I just didn't. I worked with Greg. And
17 they were pretty much on top of the situation. Greg, by
18 having Drew sit in on his meetings and kind of mediate the
19 issues between Drew and I mean between" --

20 I'm sorry.

21 "I mean between Dr. Wu and Ruth. They usually had
22 firsthand knowledge."

23 Q Thank you.

24 Earlier, you testified regarding Ms. Briggs' January
25 2014 discipline, do you recall that?

1 A Yes.

2 Q Counsel asked you a question whether prior to that
3 discipline, you were aware whether Ms. Briggs had ever been
4 late. And I believe you said, you didn't know. Do you
5 recall that?

6 A Yes. But I do also believe that I stated I was aware
7 that there was some latenesses.

8 Q To fresh your recollection.

9 MS. SATINSKY: Could you please pull up page 92 of
10 the plaintiff's dep? It will come right up on your screen.

11 BY MS. SATINSKY:

12 Q Does this refresh your recollection that you were aware
13 of latenesses regarding Ms. Briggs prior to January of 2014?

14 MS. MATTIACCI: Your Honor, objection to refresh the
15 witness's recollection, not to publish it to the jury.

16 THE COURT: All right, don't publish it yet. Go
17 ahead.

18 MR. HARRIS: Judge, my understanding, I thought the
19 witness testified regarding her deposition, so it was
20 certainly moved into evidence during her deposition, during
21 her testimony on direct.

22 THE COURT: Received. Okay. Thanks.

23 Yes, you were speaking?

24 BY MS. SATINSKY:

25 Q Yes, Ms. Walton, I asked if viewing this page of your

1 deposition transcript refreshed your recollection that you
2 were aware Ms. Briggs leaving prior to January of 2014?

3 A Yes.

4 Q Yesterday, you testified that you were told that Dr. Wu
5 yelled at students, do you recall That?

6 A Yes.

7 Q Did anyone other than Ms. Briggs tell you that Dr. Wu
8 yelled at students?

9 A That complaint I only received from Ms. Briggs.

10 Q Were you ever aware that Dr. Wu yelled at employees?

11 A No. Again, only Ms. Briggs made those complaints.

12 Q Were there any concerns Ms. Briggs raised to you about
13 anything that you didn't look into or you didn't direct
14 someone else to look into?

15 A No.

16 Q Were the concerns that Ms. Briggs raised with you time-
17 consuming?

18 A Yes.

19 Q Can you explain that?

20 A Well, Ms. Briggs would call me or send me emails on a
21 frequent basis in regards to the issues that were going on in
22 her department. And, so among other things that I handled at
23 the University, it took time to contact someone, to have them
24 look into, so it's time-consuming for both Greg, Drew, and
25 myself, yes.

1 Q What role do you have in employee discipline?

2 A Counseling, interpreting the University's policies and
3 procedures, and then coaching and counseling our managers on
4 how to deliver discipline to the University.

5 Q Do you have responsibility for specific colleges?

6 A I'm sorry; can you say that again?

7 Q Sure. Do you have responsibility for specific colleges?

8 A No. My responsibilities for the University is a whole.

9 Q Approximately how many employees are there in the
10 University?

11 A I believe we have over 9,000 employees, that's regular
12 full-time employees and faculty.

13 Q You've talked about Drew DiMeo, who is Mr. DiMeo?

14 A Mr. DiMeo is the assistant to Greg, so he's a manager
15 that reports to Greg Wacker, and works in the Dean's office.

16 Q What was Mr. DiMeo's role in regard to Ms. Briggs?

17 A His role was to go down and be a mediator and between
18 Dr. Wu and Ms. Briggs because of the complaints that Ms.
19 Briggs made to the Dean's office frequently. So, Greg Wacker
20 asked Drew to go down and kind of mediate those
21 conversations, make sure things got done, and that, you know,
22 time lines were put in place and that they both understood
23 each other.

24 Q What did Drew become involved?

25 A Why did Drew become involved?

1 Q Yes.

2 A Because of Ms. Briggs' complaints to the Dean's office
3 and to Greg Wacker. And, you know, Greg Wacker couldn't
4 spend time down in CIS, so he asked Drew to do it.

5 My understanding -- and he also when Ms. Briggs
6 complained to me and I called Mr. Wacker in regards to those
7 complaints, he decided to put Drew down there so he could,
8 you know, kind of have an eye to the situation.

9 Q You spoke yesterday and today, as well, about how you
10 rely on Mr. Wacker to provide you with information.

11 A Yes, I do.

12 Q Is that true -- let me ask you something else? Does Mr.
13 Wacker play that role for the whole college?

14 A For College of Science Technology, yes.

15 Q Is it unusual for Mr. Wacker to be involved in employee
16 relations type issues?

17 A No.

18 Q Do other employees in Mr. Wacker's position at other
19 colleges in the University play the same type of role?

20 A Yes, they do.

21 Q When would you refer something to Mr. Wacker, someone in
22 a similar position to him, as opposed to the EOC?

23 A When I get complaints and, you know, and usually they're
24 about employment practices, you know, people who have
25 conflict with their supervisors or their coworkers, what I

1 will do initially, because we don't know what the basis of
2 the claims are, I'll have Greg Wacker look into it. And I
3 did that with many -- with all of the business managers --
4 what I consider to be business managers for all of the
5 schools and colleges.

6 Q We've spoken about EOC. Is EOC and Human Resources in
7 the same department?

8 A No, they're totally separate departments.

9 Q Do you sit together?

10 A No, we're in different locations.

11 Q What's the difference between EOC and Human Relations?

12 A Human Resources?

13 Q Human Resources.

14 A Okay. So, obviously, Human Resources is responsible for
15 employment, recruitment, benefits, employee relations, labor
16 relations. My area specifically looks into employment
17 practices. And EOC basically investigates all discriminatory
18 and sexual harassment complaints at the University for both
19 employees and students.

20 Q Rhonda Brown's name has come up in this case. Who is Ms
21 Brown?

22 A Ms. Brown was the, I believe, the Associate Vice
23 President for what was Multicultural Affairs and eventually
24 became IDEAL.

25 Q In the 2010 to 2014 time period, did Ms. Brown work in

1 Human Resources?

2 A She never worked in Human Resources.

3 Q Did she work in EOC?

4 A Not at that time, no.

5 Q Was Ms. Brown responsible for conducting workplace
6 investigations at that time?

7 A She was not.

8 Q You spoke about giving Ms. Briggs the option to resign,
9 do you recall that?

10 A Yes, I do.

11 Q Is it common that employees are given the option to
12 resign in lieu of termination?

13 A Yes, we do that -- we have done that many times.

14 Q Did Dr. Wu participate in that decision to offer
15 resignation --

16 A Yes.

17 Q -- to Ms. Briggs?

18 A Yes; yes, he did.

19 Q And in what way?

20 A He counseled with Greg Wacker and agreed to the decision
21 to allow her to resign.

22 Q At the April 1st, 2014 meeting you had with Ms. Briggs
23 and Mr. Wacker, did you present her with the option to
24 resign?

25 A Yes.

1 Q Did Ms. Briggs ask you for time to consider that option?

2 A Yes.

3 Q Did you give that to her?

4 A Yes, I did.

5 Q Why?

6 A I wanted her to, you know -- we wanted to be kind to
7 her. You know, she was ultimately losing her job and wanted
8 to give her the option to think about, to go away with some
9 information so she can make an educated decision on what, you
10 know, in regards to what she wanted to do.

11 Q Was the end of Ms. Briggs' employment processed as a
12 resignation?

13 A Yes, it was.

14 MS. SATINSKY: If you could please pull D-23?

15 BY MS. SATINSKY:

16 Q Ms. Briggs -- Ms. Walton, what is this document?

17 A This is a letter from Ms. Briggs to me resigning from
18 the College of Science Technology.

19 MS. SATINSKY: I'd like to move this document into
20 evidence, Your Honor.

21 MS. MATTIACCI: No objection. I think it's already
22 been admitted.

23 THE COURT: All right, it's admitted.

24 BY MS. SATINSKY:

25 Q What is the date on this document?

1 A April 3rd.

2 Q Between April 1st and April 3rd, did Ms. Briggs contact
3 you?

4 A I believe she did.

5 Q Did she have questions for you?

6 A I think -- yes. She had questions in regards to
7 unemployment and I explained that to her. And I believe that
8 she had questions regarding benefits and I talked to her
9 about her benefits.

10 Q You testified about Ms. Briggs termination letter today.

11 A Yes.

12 Q Were you involved in making the decision to draft that
13 letter?

14 A I was -- yes.

15 Q Were you involved in counseling the College with regard
16 to the incidents discussed in that letter?

17 A Yes.

18 Q Did you help the College come to the conclusion that Ms.
19 Briggs should be terminated?

20 A Yes, I did.

21 Q After Ms. Briggs left Temple, do you know if she applied
22 for any positions at the University?

23 A I believe that she did.

24 Q Do you know whether or not she received them?

25 A No, she didn't.

1 Q Do you know why?

2 A Most of the positions that she applied she was not
3 qualified for.

4 Q Did Ms. Briggs also apply for positions within the
5 University while she was employed?

6 A Yes, she did.

7 Q Did you assist her with that?

8 A Yes.

9 Q In what way?

10 A So, during Ms. Briggs' employment when she asked for my
11 help and to identify other positions at the yesterday, what I
12 told to her and as I've told other employees, you know, if
13 you send me the positions that you've identified, if you send
14 this to me I will make sure that they get in front of the
15 recruiter. And if you're qualified I'll make sure the
16 recruiter sends you on and that you're kind of at the top of
17 the hiring manager's list of perspective candidates.

18 Q Did you do that for Ms. Briggs?

19 A I did that when -- yes, I did. What I offered to Ms.
20 Briggs is when she sent me jobs, I forwarded it on. Many
21 times, our recruiter said that she was not qualified.

22 Q Are employees able to transfer within the University if
23 they have discipline?

24 A No. Once a person has a written discipline, they -- our
25 recruiters are able to look into a database to see if someone

1 has a written discipline. If they see that they are, they
2 cannot forward them on. But what we do many times when
3 employees are having difficulties in their department, we
4 will drop that rule and allow them to bid out.

5 Q Did you do that for Ms. Briggs?

6 A Yes.

7 Q When an internal candidate applies for a position, can a
8 hiring manager review their discipline?

9 A No.

10 Q Do you know who replaced Ms. Briggs after she left at
11 Temple?

12 A I believe it was a woman by the name of Marilyn
13 Grandshaw.

14 Q Do you know how old Ms. Grandshaw is?

15 A I only know prior to coming here yesterday. I looked
16 that up.

17 Q And what did you learn?

18 A I learned that Ms. Grandshaw was, I believe, born in
19 1967.

20 Q Does Ms. Grandshaw still work for Dr. Wu?

21 A No, she does not.

22 Q What is her current position?

23 A My understanding is that she now works in the School of
24 Engineering. She works in the School of Engineering, and I
25 believe she reports -- she works for Drew DiMeo.

1 Q Was that a promotion?

2 A Yes.

3 Q Did somebody replace Ms. Grandshaw?

4 A Yes. A woman by the name of Yvette Sanchez.

5 Q Do you know how old Ms. Sanchez is?

6 A Yes. I looked her information up prior to yesterday and
7 she had a birth date of 1964.

8 Q Did you know Ms. Briggs before she started working for
9 Dr. Wu?

10 A Yes, I did.

11 Q In what way?

12 A I have known Ms. Briggs since she worked in the College
13 of -- maybe not from the beginning. I worked -- I knew her
14 from working in the Dean's office, from the early 2000's.

15 Q What was your impression of Ms. Briggs at that time?

16 A When I first met her?

17 Q Around the time that you were just talking about?

18 A I found Ms. Briggs to be a nice well meaning person That
19 was a little scattered or confused and did not perform well
20 in her position.

21 Q Did Ms. Briggs' supervisors prior to Dr. Wu contact you?

22 A Yes.

23 Q About what?

24 A Her job performance.

25 Q Did they identify specific deficiencies?

1 A They said that Ms. Briggs had --

2 MS. MATTIACCI: Objection, Your Honor; hearsay.

3 THE COURT: Yes.

4 MS. SATINSKY: Your Honor, the performance
5 evaluations for Ms. Briggs prior to her working for Dr. Wu
6 were moved into evidence. I'm also asking about the
7 witness's impressions.

8 THE COURT: What was the last question? Was it
9 impression or?

10 MS. SATINSKY: I can state the question if you like,
11 Your Honor.

12 THE COURT: All right.

13 BY MS. SATINSKY:

14 Q Ms. Walton, from your interactions with Ms. Briggs'
15 supervisors prior to Dr. Wu, what was your impression, if
16 any, regarding her deficiencies?

17 MS. MATTIACCI: Objection; same objection, Your
18 Honor. It's based on hearsay.

19 MS. SATINSKY: Your Honor, I asked her what her
20 impression as it goes to her state of mind.

21 THE COURT: No, it really calls on the basis of it,
22 but is this the kind of thing that she would rely on in her
23 position with Temple?

24 MS. SATINSKY: Ms. Walton?

25 THE COURT: Yes.

1 MS. SATINSKY: Yes.

2 THE COURT: Yeah, I'll allow it. Overruled.

3 BY MS. SATINSKY:

4 A For my interaction with the College and with Ms. Briggs,
5 her performance was not -- there was problems with her
6 performance. She made many errors. She had problem with
7 attention to detail. And many of those errors were as a
8 assistant or admission assistant in the Dean's office, and
9 which is one of the reasons why eventually Ms. Briggs was
10 moved out of the Dean's office.

11 Q Did Ms. Briggs come to you ever prior to have her
12 working for Dr. Wu?

13 A Yes.

14 Q What did she come to you about?

15 A She came to me because they were bringing her errors.
16 The Dean's office (indiscernible) bringing Ms. Briggs errors
17 to her attention. They were talking with her about it. She
18 was never disciplined, but they were bringing them to her
19 attention.

20 Greg Wacker was one of those people that was working
21 with her and her deficiencies. They were bringing it to her
22 attention. So, she would call me in regards to it. She
23 would ask for assistance in bidding out of the Department,
24 and many times she also called to defend herself.

25 MS. SATINSKY: Could you please pull up D-72 and if

1 you could, please, publish it as well?

2 BY MS. SATINSKY:

3 Q Ms. Walton, have you ever seen this document before and
4 there's pages that follow?

5 A Yes.

6 Q If we go to the second page. If you look at A, do you
7 see where that is?

8 A Yes.

9 Q Were you aware of that?

10 A From this email, yes.

11 Q And if we go to B, is this something you were aware of?

12 A Again, because I received the email -- because I saw
13 this, yes.

14 Q And if we could expand C, D, and E. Were these also
15 issues that you were aware of?

16 A Yes.

17 MS. SATINSKY: If we could please turn to the next
18 page?

19 BY MS. SATINSKY:

20 Q Were these issues you were aware of as well?

21 A Yes.

22 Q Go back to the first page, the actual email. What was
23 the date on this email?

24 A November 19th, 2010.

25 Q The categories that you just testified to that we just

1 looked at, were those issues you were aware of relating to
2 Ms. Briggs prior to November of 2011?

3 A Yes.

4 Q Did these issues result in discipline?

5 A No, they did not.

6 Q Why not?

7 A At the time, I think doctor -- I don't think. Dr. Wu
8 was not trying to discipline Ms. Briggs. He was trying to
9 change her performance. He was trying to improve on it. And
10 he was asking assistance for that.

11 Q Were there any other issues that Dr. Wu, Mr. Wacker or
12 Mr. DiMeo brought to your attention about Ms. Briggs that did
13 not result in discipline?

14 A I'm sure there was.

15 Q Why didn't those result in discipline?

16 A Again, they wanted to help Ms. Briggs. At some point,
17 Dr. Wu -- I did have a conversation with Dr. Wu. He just
18 asked if there was a way to move her out into another
19 position that was more suitable for her. They didn't want to
20 discipline her. They thought she was a nice lady, thought
21 she was very nice. They didn't want to discipline her. They
22 wanted to improve her performance.

23 Q Were there issues that Dr. Wu, Mr. Wacker and Mr. DiMeo
24 came to you about that were not documented?

25 A Yes.

1 Q Why weren't they documented?

2 A It was kind -- we were having conversations. They were
3 coming to me for coaching, counseling, ideas of trying to
4 help Ms. Briggs and turn around her behavior. So, it wasn't
5 something that we felt we needed to document.

6 Q Is that common for employees that you work with?

7 A It's common that when I counsel and coach departments
8 that I don't always document conversations about employees
9 and trying to improve their performance.

10 Q At this email that's up on the screen, following this
11 email did you have conversations about potentially moving Ms.
12 Briggs to a different department?

13 A I may have with Greg Wacker, but from my understanding
14 she had been moved to Dr. Wu's area because of deficiencies
15 in the Dean's office. So, there was ongoing conversation,
16 but I don't think we ever moved her.

17 Q You discussed the rules of conduct in your testimony
18 earlier. Is that a document you frequently look at?

19 A Yes.

20 Q And why?

21 A Why do I frequently look it? Because I need to be
22 familiar with it. We use it when we're dealing with many of
23 our -- many of the issues at the University. Also, I use it
24 when I'm coaching and counseling managers and advising them
25 on taking disciplinary actions.

1 Q Have you been involved in disciplining employees other
2 than Ms. Briggs?

3 A Yes.

4 Q Approximately how many times over your career at Temple?

5 A Many that I lost count.

6 Q What level employees have you been involved in
7 disciplining?

8 A From entry level to executives.

9 Q Have you been involved in disciplining other employees
10 for Category B violations?

11 A Category B, yes.

12 Q Have you been involved in disciplining other employees
13 for Category C violations?

14 A Yes, I have.

15 Q Have you been involved in disciplining employees for
16 Category D violations?

17 A Yes, I have.

18 Q Have you been involved in disciplining employees or
19 terminating employees for engaging in discrimination,
20 retaliation and harassment?

21 A Yes.

22 Q What level of employees have you been involved in
23 issuing discipline for, for those reasons?

24 A What level of employees?

25 Q Yes.

1 A I think all levels.

2 Q So, Ms. Walton, you testified what this discipline
3 related to, is that correct?

4 A Yes.

5 Q The candidate who was coming to interview, would he have
6 brought students with him?

7 A My understanding, yes. He would have brought students
8 and money to the University.

9 Q Is that something the University takes lightly?

10 A No, that was something that was very important to the
11 College of Science Technology and the University.

12 Q Can you explain why you felt that Ms. Briggs errors here
13 necessitated a Category C violation as opposed to a different
14 category?

15 A This responsibility was one of Ms. Briggs' essential
16 functions, so this is something that she does. And the fact
17 that we had a faculty member, prestigious faculty member --
18 or I'm sorry; not faculty member, but a candidate for a
19 faculty position coming to the University and was bringing
20 monies as well as students and we ultimately lost this
21 candidate. They never came.

22 I thought that was a C -- I felt it was negligence,
23 Because she did not perform her job responsibilities. So, it
24 wasn't that -- it didn't fall into the category inefficiency
25 because it wasn't just something that she just didn't do

1 well. It was something she completely neglected and she did
2 not provide the travel arrangements for this individual.

3 MS. SATINSKY: If you could please pull up Exhibit
4 D-5, and the fourth page marked Temple 152?

5 BY MS. SATINSKY:

6 Q Ms. Briggs [sic], I want to direct you down to -- I'm
7 sorry; Ms. Walton. I apologize.

8 A That's okay.

9 Q To you and to Ms. Briggs.

10 Ms. Walton, if you go down to disciplinary procedure at
11 the bottom.

12 A Yes.

13 Q Counsel asked you some questions about this paragraph,
14 is that correct?

15 A Yes, she did.

16 Q Can you read the last sentence of this disciplinary
17 procedure?

18 A "Repeated violations of work rules within a
19 specific category over a 12-month period will lead
20 to the next step in the progressive discipline
21 process."

22 Q Can you explain what that means?

23 A So, what that means is that within a one-year period if
24 the person violates a work rule in that same category that
25 the person will be violated for the -- will be --I'm sorry --

1 disciplined for the next step in that category if it's in the
2 one year period.

3 Q Ms. Walton, you've testified about Sandy Foehl. At any
4 time during Ms. Briggs' employment, did you learn the content
5 of Ms. Briggs' conversations with Ms. Foehl?

6 A No.

7 MS. SATINSKY: If we could please turn to P-40?

8 BY MS. SATINSKY:

9 Q Ms. Walton, this is a series of emails that counsel
10 discussed with you earlier today, do you recall that?

11 A Yes, I do.

12 Q You didn't read this first email on this page from you
13 to Ms. Briggs on March 25th, so the jury hasn't had an
14 opportunity to see that. Could you please read that email
15 for us?

16 A Sure.

17 "Good morning, Ruth. Every time you have reached
18 out to me I have talked with you and looked into
19 your complaints and concerns. I will agree not
20 always timing for you because of the
21 responsibilities and scheduled obligations. I did
22 not ask you to lie about being disciplined, but
23 offered you the ability to bid out by letting the
24 general list know to not reject your application
25 because of the discipline. You told me that you

1 reached out that you reached to Sandra Foehl for
2 help and did not hear from her. I talked to Sandra
3 and she replied to you and offered her services to
4 you several weeks ago and you have not replied back
5 to her. I did not contact Greg or Drew, but they
6 did call me concerning your Friday meeting and Dr.
7 Wu's expense report. Greg and Drew gave me the
8 facts of the situation. If you would like to
9 discuss further or dispute any of my facts, please
10 contact me."

11 Q If you like, you can go down through those emails and
12 take a look. They're also in the binder in front of you if
13 that might be easier.

14 But my question for you is in any of these emails that
15 Ms. Briggs sent to you, did she ever refer to her age, her
16 sex, or retaliation?

17 A No, she did not.

18 MS. SATINSKY: If we could please pull up P-9.

19 BY MS. SATINSKY:

20 Q Ms. Walton, this is an email you testified about
21 yesterday, do you recall that?

22 A Yes.

23 Q If you go down -- Ms. Foehl forwarded this email to you,
24 is that correct?

25 A Yes, she did.

1 Q If you go down to Ms. Briggs' email to Ms. Foehl, is
2 there anything in Ms. Briggs' email to Ms. Foehl regarding
3 her age, her sex, or retaliation?

4 A No, there isn't.

5 Q Was it appropriate for Ms. Foehl to refer this to you?

6 A Yes, it was.

7 Q Why?

8 A Because most of her complaints were more of employment
9 practices.

10 MS. SATINSKY: If you could please pull up P-17.

11 BY MS. SATINSKY:

12 Q Ms. Walton, this is another email you testified about
13 yesterday, do you recall testifying about this?

14 A Yes, I do.

15 Q I like you to read this email and let me know if there's
16 anything in this email that Ms. Briggs wrote to you about her
17 being treated differently because of her age, sex, or
18 retaliation?

19 A No.

20 Q At any time, did Ms. Briggs tell you she was being
21 treated differently because of her age?

22 A No, she didn't.

23 Q At any time did Ms. Briggs tell you she was being
24 treated differently Because of her gender or sex?

25 A No, she did not.

1 Q At any time, did Ms. Briggs tell you she thought she was
2 being retaliated against?

3 A No.

4 MS. SATINSKY: If we can please turn to D-24.

5 BY MS. SATINSKY:

6 Q Ms. Walton, you testified that you participated in
7 drafting this letter.

8 A Yes.

9 Q When you drafted this letter, did you know whether Sandy
10 Foehl or the EOC office was conducting any investigation with
11 regard to Ms. Briggs?

12 A No, I did not.

13 Q If you turn to the two bullet points and take a look at
14 those.

15 A Okay.

16 Q What is the date of the first incident?

17 A It was March 20th.

18 Q What is the date of the second incident?

19 A March 13th and 14th.

20 Q Did both of those incidents fall within the calendar
21 year from the discipline that Ms. Briggs had received in
22 March of 2013?

23 A Yes, it does.

24 Q At any time during Ms. Briggs' employment at Temple,
25 were you aware that she complained about age discrimination?

1 A Never, no.

2 Q At any time during Ms. Briggs' employment at Temple,
3 were you aware if she complained of sex discrimination?

4 A No.

5 Q At any time during Ms. Briggs' employment at Temple,
6 were you aware she complained of retaliation?

7 A No.

8 Q At any time during Ms. Briggs' employment at Temple,
9 were you aware that she complained of being harassed because
10 of her age?

11 A No, I was not aware.

12 Q At any time during Ms. Briggs' employment at Temple,
13 were you aware that she complained of being harassed because
14 of her sex?

15 A No, I was not aware.

16 Q At any time, were you concerned that Ms. Briggs was
17 being treated differently because of her age?

18 A No, I was never concerned about that.

19 Q At any time, were you concerned that Ms. Briggs was
20 being treated differently because of her sex?

21 A No.

22 Q At any time, were you concerned that Temple was
23 retaliating against Ms. Briggs?

24 A No.

25 Q At any time, were you concerned that Ms. Briggs was

1 experiencing sex-based harassment?

2 A No.

3 Q At any time, were you concerned that Ms. Briggs was
4 experiencing age related harassment?

5 A No.

6 Q Did you agree with the progressive discipline that Ms.
7 Briggs received?

8 A Yes, I did.

9 Q Why?

10 A I agree with it because of the infractions that she
11 violated and because followed our policy.

12 Q Other than Ms. Briggs, have any employees come to you
13 about Dr. Wu?

14 A No.

15 Q The two women you mentioned earlier who replaced Ms.
16 Briggs, were they both over 50?

17 A Yes.

18 MS. SATINSKY: I have no further questions at this
19 time, Your Honor.

20 THE COURT: You may question.

21 MS. MATTIACCI: Thank you, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. MATTIACCI:

24 Q Let's start with Ms. Grandshaw, you said that her date
25 of birth is 1967. So, at the time then that she replaced Ms.

1 Briggs that would make her either 46 or 47, depending on the
2 month of her birthday, correct?

3 A If I was to do the math, I think so.

4 Q Okay. And counsel showed you D-72 which was that -- let
5 me back up for a second.

6 It's your testimony I understood it that Ms. Briggs was
7 so deficient in her performance, made so many mistakes, that
8 this has been going back for years before she even was in the
9 College of Science and Technology, correct?

10 A No, that's not what I said. It was during her time
11 working in the College of Science of Technology. It began in
12 the Dean's office.

13 Q Okay. Was that 2005?

14 A I think so. I don't have the exact dates. But it was
15 when she was working in the Dean's office and she was working
16 I believe as an exec assistant and reporting to George
17 Palladino.

18 Q Right. So, George Palladino that pre-dated Dr. Wu,
19 correct?

20 A Yes, he did.

21 Q Okay. And so, while Ms. Briggs was the executive
22 assistant to the Dean at that time prior to 2009 when Dr. Wu
23 joined, you're saying that Ms. Briggs' performance was so
24 deficient and making so many mistakes that it was impacting
25 the workplace?

1 A Yes.

2 Q Okay. Dr. Wu didn't join Temple until 2009, you recall?

3 A Yes.

4 Q And Dr. Wu he was very important, wasn't he at that time
5 coming into Temple?

6 A To be honest with you, I don't know about Dr. Wu coming
7 into Temple, so I would imagine he was the Chair of the CIS
8 Department that, you know, that he would be considered to be
9 important to have such a position.

10 Q That's what I'm saying. So, he was coming in and he's
11 going to get the position of the Chair of the Department of
12 Computer and Information Sciences, right?

13 A Yes.

14 Q And he was highly regarded, correct?

15 A I would imagine. Again, I can't speak to Dr. Wu's
16 credentials, but, yes. I would imagine if we put a Chair in
17 place of that department, they would be highly regarded.

18 Q And would you agree with me it was a lot of work to
19 recruit him to come to Temple, correct?

20 A I don't know about the recruitment process. I wasn't
21 involved.

22 Q How about just generally when you're naming a new chair
23 of a department, that's a pretty big decision for Temple,
24 wouldn't you say?

25 A I would imagine it's a big decision for the School of

1 Science and Technology, yes.

2 Q And you want to make sure you have a very good executive
3 assistant assigned to that person when they're coming in,
4 correct?

5 A Absolutely. We want to put capable people in the
6 position that's reporting to someone.

7 Q And Temple chose in 2009 to put Ms. Briggs in the
8 position of the executive assistant to Dr. Wu after she spent
9 several years being the executive assistant to the other
10 deans and chairs in that department, correct?

11 A I don't know that for sure. The decision was made
12 because the errors that she was making in the Dean's office
13 which is a much more prestigious office or much more
14 prestigious position, the Dean's office, and, you know, it
15 was an office that, you know, many people at the University
16 interacted with such as the President's office. They thought
17 that her skill level was not a good fit for the Dean's
18 office, but could be a better fit for working in a
19 department, a smaller area, you know, assisting faculty.
20 They thought her skill level could be better there because it
21 wasn't a good fit for the Dean's office.

22 Q She had the same title executive assistant, correct?

23 A I don't believe so. I'm not sure. I believe she was
24 administrative assistant, so I'm not sure.

25 Q You don't know.

1 A But it was different responsibilities compared to Dean's
2 office.

3 Q You know that for a fact?

4 A The responsibilities?

5 Q Yes.

6 A I know that there's -- from my experience at the
7 University and working with many of the schools, I know that
8 the -- working for a chair in a department is much different
9 than working in a Dean's office; whereas, much more
10 visibility in the Dean's office with many of the contacts
11 outside and within the University.

12 Q Okay. Within a year of Ms. Briggs working for Dr. Wu,
13 he started making complaints that he didn't want her working
14 with him anymore, correct?

15 A That's my understanding.

16 Q And we saw that email that he wrote within a year
17 working or around a year of working with her that he asked
18 for her to be replaced, correct?

19 A I believe.

20 Q And then if you turn to D-43. When he made that request
21 to Human Resources. Now, this is from Sharon Boyle to Dr. Wu
22 and Gregory Wacker. And Sharon Boyle she's your boss,
23 correct?

24 A Yes, she is.

25 Q And she wrote back to Dr. Wu,

1 "I'm writing the follow-up on our meeting regarding
2 the performance with Ruth Briggs. Following our
3 meeting, I met with Ruth Briggs and based on the
4 discussions and information received in both
5 meeting, there is no basis for disciplining Ruth at
6 this time. My recommendation is to continue to
7 assign tasks to Ruth through email with cc Alex and
8 to alert Alex any problems as soon as they become
9 evident. As stated, Monica Washington, Deirdre
10 Walton and I are always available for consultation
11 as issues arise. Sharon Boyle."

12 Do you see that?

13 A Yes, I do.

14 Q Were there any problems brought to the attention of Alex
15 as directed by this email from Human Resources in regards to
16 Ruth Briggs?

17 A I'm not sure and I'm not sure who Ms. Boyle is referring
18 to in regards to Alex.

19 Q Okay. Let's go take a look at -- so, let me just jump
20 back for a second. I was confused your testimony on direct
21 examination. You were saying that Dr. Wu just wanted to
22 help, that he sent that email because he wanted to help her?

23 A Yes.

24 Q But, in fact, the email said he wanted to replace her.

25 A What he was asking Ms. Boyle was her to be moved to

1 another department.

2 Q Okay. So, he didn't want to help her in that current
3 position. He wanted her out?

4 A He -- no, he did not want her terminated. What he felt
5 was that he needed somebody else, that she didn't have the
6 skills that he needed. And I believe Ms. Boyle was saying to
7 him was to work with her.

8 Q Isn't it true that you -- when there is an investigation
9 done into an employee's complaints that you partner with
10 Sandy Foehl in regards to the investigations?

11 A No, not all, but sometimes. It depends.

12 Q It depends. Sometimes, you do partner with her?

13 A If we receive a complaint that seems to cross between
14 employment practices and what could be discrimination, rather
15 than us do separate investigations, we partner.

16 Q Okay. And you'd agree with me that the claims that Ms.
17 Briggs was bringing to your attention could be
18 discrimination, correct?

19 A No, I didn't know. I wanted Ms. Foehl to let me know if
20 she thought they were discrimination complaints.

21 Q So, then you spoke to her about the complaints, is that
22 correct?

23 A Ms. Foehl?

24 Q Yes.

25 A I don't remember if I did or not. I know that I sent

1 her an email when Ruth sent as you had -- you showed the
2 email earlier. I sent that email onto Ms. Foehl to get her
3 determination.

4 Q Isn't it true that you explained to Ms. Foehl that you
5 were looking -- that you were going to look into the
6 complaints and that you were going to talk with Mr. Wacker
7 and Mr. DiMeo?

8 A Yes.

9 Q Okay. And did you explain to Ms. Foehl that looking
10 into those complaints and concerns involving Mr. Wacker or
11 Mr. DiMeo involved Mr. DiMeo speaking with Dr. Wu about those
12 complaints?

13 A Well, Ms. Briggs complaints were about Dr. Wu, so, yes,
14 I wanted Greg to look into it. If he had to talk to Dr. Wu,
15 then he would have to talk to Dr. Wu.

16 Q And you believe that he did talk to Dr. Wu about Ms.
17 Briggs' complaints?

18 A Yes.

19 MS. MATTIACCI: The court's indulgence for one
20 second and then I think I'll be done.

21 THE COURT: All right.

22 MS. MATTIACCI: I have no further questions. Thank
23 you.

24 MS. SATINSKY: I have no further questions, Your
25 Honor.

1 THE COURT: You may step down. Thank you.

2 THE WITNESS: Thanks.

3 (Witness excused)

4 THE COURT: It's about five after twelve. Let's
5 recess for lunch until 1:15.

6 The jury is excused until 1:15.

7 THE COURT CLERK: All rise.

8 (Luncheon recess taken at 12:04 p.m.)

9 (Afternoon Session Continues in Separate Transcript)

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1 CERTIFICATION

2 We certify that the foregoing is a correct
3 transcript from the electronic sound recording of the
4 proceedings in the above-entitled matter to the best of our
5 knowledge and ability.

6

7 Transcriptionists: Cathryn Renzoni, Mary Zajaczkowski, and
8 Coleen Rand

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12 July 18, 2018

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Coleen Rand, AAERT Cert. No. 341
14 Certified Court Transcriptionist
15 For Advanced Transcription

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